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# THE HISTORY OF ENGLAND

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by  
David Hume

Ross Collection

# The History of England

FROM THE INVASION OF JULIUS CÆSAR TO THE END OF  
THE REIGN OF JAMES THE SECOND, 1688

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David Hume

*Ross Collection*

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THE  
HISTORY OF ENGLAND,

BY  
HUME AND SMOLLETT,

With a continuation to the Year 1859.

BY  
DR E. H. NOLSON.



*Boadicea haranguing the Britons*

## CHAPTER 1.

### THE BRITONS.

**T**he curiosity entertained by all civilized nations, of inquiring into the exploits and adventures of their ancestors, commonly excites a regret that the history of remote ages should always be so much involved in obscurity, uncertainty, and contradiction. Ingenious men, possessed of leisure, are apt to push their researches beyond the period in which literary monuments are framed or preserved; without reflecting, that the history of past events is immediately lost or disfigured when intrusted to memory and oral tradition, and that the adventures of barbarous nations, even if they were recorded, could afford little or no entertainment to men born in a more cultivated age. The convulsions of a civilized state usually compose the most instructive and most interesting part of its history; but the sudden, violent, and unprepared revolutions incident to barbarians, are so much guided by caprice, and terminate so often in cruelty, that they disgust us by the uniformity of their appearance; and it is rather fortunate for letters that they are buried in silence and oblivion. The only certain means by which nations can indulge their curiosity in researches concerning their remote origin, is to consider the language, manners, and customs of their ancestors, and to compare them with those of the neighboring nations. The fables, which are commonly employed to supply the place of true history, ought entirely to be disregarded; or if any exception be admitted to this general rule, it can only be in favor of the ancient Grecian fictions, which are so celebrated and so agreeable, that they will ever be the objects of the attention of mankind. Neglecting, therefore, all traditions, or rather tales, concerning the more early history of Britain, we shall only consider the state of the inhabitants as it appeared to the Romans on their invasion of this country: we shall briefly run over the events which attended the conquest made by that empire, as belonging more to Roman than British story: we shall hasten through the obscure and uninteresting period of Saxon annals; and shall reserve a more full narration for those times, when the truth is both



so well ascertained, and so complete, as to promise entertainment and instruction to the reader.

All ancient writers agree in representing the first inhabitants of Britain as a tribe of the Gauls or Celtæ, who peopled that island from the neighboring continent. Their language was the same, their manners, their government, their superstition; varied only by those small differences which time or a communication with the bordering nations must necessarily introduce. The inhabitants of Gaul, especially in those parts which lie contiguous to Italy, had acquired, from a commerce with their southern neighbors, some refinement in the arts, which gradually diffused themselves northwards, and spread but a very faint light over this island. The Greek and Roman navigators or merchants (for there were scarcely any other travellers in those ages) brought back the most shocking accounts of the ferocity of the people, which they magnified, as usual, in order to excite the admiration of their countrymen. The south-east parts, however, of Britain had already, before the age of Cæsar, made the first and most requisite step towards a civil settlement; and the Britons, by tillage and agriculture, had there increased to a great multitude.<sup>1</sup>

The other inhabitants of the island still maintained themselves by pasture: they were clothed with skins of beasts: they dwelt in huts, which they reared in the forests and marshes, with which the country was covered: they shifted easily their habitation, when actuated either by the hopes of plunder or the fear of an enemy: the convenience of feeding their cattle was even a sufficient motive for removing their seats and as they were ignorant of all the refinements of life, their wants and their possessions were equally scanty and limited.

The Britons were divided into many small nations or tribes and being a military people, whose sole property was then arms and their cattle, It was impossible, after they had acquired a relish of liberty for their princes or chieftains to establish any despotic authority over them. Their governments, though monarchical,<sup>2</sup> were free, as well as those of all the Celtic nations; and the common people seem even to have enjoyed more liberty among them,<sup>3</sup> than among the nations of Gaul,<sup>4</sup> from whom they were descended. Each state was divided into factions within itself:<sup>5</sup> it was agitated with jealousy or animosity against the neighboring states: and

while the arts of peace were yet unknown, wars were the chief occupation, and formed the chief object of ambition, among the people.

The religion of the Britons was one of the most considerable parts of their government; and the druids, who were their priests, possessed great authority among them. Besides ministering at the altar, and directing all religious duties, they presided over the education of youth; they enjoyed an immunity from wars and taxes; they possessed both the civil and criminal jurisdiction; they decided all controversies among states as well as among private persons, and whoever refused to submit to their decree was exposed to the most severe penalties. The sentence of excommunication was pronounced against him: he was forbidden access to the sacrifices or public worship: he was debarred all intercourse with his fellow-citizens, even in the common affairs of life: his company was universally shunned, as profane and dangerous: he was refused the protection of law:<sup>6</sup> and death itself became an acceptable relief from the misery and infamy to which he was exposed. Thus the bands of government, which were naturally loose among that rude and turbulent people, were happily corroborated by the terrors of their superstition.

No species of superstition was ever more terrible than that of the druids. Besides the severe penalties, which it was in the power of the ecclesiastics to inflict in this world, they inculcated the eternal transmigration of souls; and thereby extended their authority as far as the fears of their timorous votaries. They practised their rites in dark groves or other secret recesses;<sup>7</sup> and in order to throw a greater mystery over their religion, they communicated their doctrines only to the initiated, and strictly forbade the committing of them to writing, lest they should at any time be exposed to the examination of the profane vulgar.

Human sacrifices were practised among them: the spoils of war were often devoted to their divinities; and they punished with the severest tortures whoever dared to secrete any part of the consecrated offering: these treasures they kept in woods and forests, secured by no other guard than the terrors of their religion;<sup>8</sup> and this steady conquest over human avidity may be regarded as more signal than their prompting men to the most extraordinary and most violent efforts. No idolatrous worship ever attained such an ascendant over mankind as that of the ancient Gauls and

Britons; and the Romans, after their conquest, finding it impossible to reconcile those nations to the laws and institutions of their masters, while it maintained its authority, were at last obliged to abolish it by penal statutes; a violence which had never, in any other instance, been practised by those tolerating conquerors.<sup>9</sup>

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<sup>1</sup> ... Cæsar, lib. iv.]

<sup>2</sup> ... Diod. Sic. lib. iv. Mela, lib. iii. cap. 6. Strabo, lib. iv.]

<sup>3</sup> ... Dion Cassius, lib. lxxv.]

<sup>4</sup> ... Cæsar, lib. vi.]

<sup>5</sup> ... Tacit. Agr.]

<sup>6</sup> ... Cæsar, lib. vi. Strabo, lib. iv.]

<sup>7</sup> ... Plin. lib. xii. cap. 1.]

<sup>8</sup> ... Cæsar, lib. vi.]

<sup>9</sup> ... Sueton. in vita Claudii.]

## THE ROMANS.

**T**he Britons had long remained in this rude but independent state, when Cæsar, having overrun all Gaul by his victories, first cast his eye on their island. He was not allured either by its riches or its renown; but being ambitious of carrying the Roman arms into a new world, then mostly unknown, he took advantage of a short interval in his Gaulic wars, and made an invasion on Britain. The natives, informed of his intention, were sensible of the unequal contest, and endeavored to appease him by submissions, which, however, retarded not the execution of his design. After some resistance, he landed, as is supposed, at Deal, [Anno ante, C. 55;] and having obtained several advantages over the Britons, and obliged them to promise hostages for their future obedience, he was constrained, by the necessity of his affairs, and the approach of winter, to withdraw his forces into Gaul. The Britons relieved, from the terror of his

arms, neglected the performance of their stipulations; and that haughty conqueror resolved next summer to chastise them for this breach of treaty. He landed with a greater force; and though he found a more regular resistance from the Britons, who had united under Cassivelaunus, one of their petty princes, he discomfited them in every action. He advanced into the country; passed the Thames in the face of the enemy; took and burned the capital of Cassivelaunus; established his ally, Mandubratius, in the sovereignty of the Trinobantes; and having obliged the inhabitants to make him new submissions, he again returned with his army into Gaul, and left the authority of the Romans more nominal than real in this island.

The civil wars which ensued, and which prepared the way for the establishment of monarchy in Rome, saved the Britons from that yoke which was ready to be imposed upon them. Augustus, the successor of Cæsar, content with the victory obtained over the liberties of his own country, was little ambitious of acquiring fame by foreign wars; and being apprehensive lest the same unlimited extent of dominion, which had subverted the republic, might also overwhelm the empire, he recommended it to his successors never to enlarge the territories of the Romans. Tiberius, jealous of the fame which might be acquired by his generals, made this advice of Augustus a pretence for his inactivity.<sup>10</sup>.....

The mad sallies of Caligula, in which he menaced Britain with an invasion, served only to expose himself and the empire to ridicule; and the Britons had now, during almost a century, enjoyed their liberty unmolested, when the Romans, in the reign of Claudius, began to think seriously of reducing them under their dominion. Without seeking any more justifiable reasons of hostility than were employed by the late Europeans in subjecting the Africans and Americans, they sent over an army, [A.D. 43,] under the command of Plautius, an able general, who gained some victories, and made a considerable progress in subduing the inhabitants. Claudius himself, finding matters sufficiently prepared for his reception, made a journey into Britain, and received the submission of several British states, the Cantii, Atrebates, Regni, and Trinobantes, who inhabited the south-east parts of the island, and whom their possessions and more cultivated manner of life rendered willing to purchase peace at the expense of their liberty. The other Britons, under the command of

Caractacus, still maintained an obstinate resistance, and the Romans made little progress against them; till Ostorius Scapula was sent over to command their armies. [A.D. 50.] This general advanced the Roman conquests over the Britons; pierced into the country of the Silures, a warlike nation, who inhabited the banks of the Severn; defeated Caractacus in a great battle; took him prisoner, and sent him to Rome, where his magnanimous behavior procured him better treatment than those conquerors usually bestowed on captive princes.<sup>11</sup>

Notwithstanding these misfortunes, the Britons were not subdued; and this island was regarded by the ambitious Romans as a field in which military honor might still be acquired. [A.D. 59.] Under the reign of Nero, Suetonius Paulinus was invested with the command, and prepared to signalize his name by victories over those barbarians. Finding that the island of Mona, now Anglesey, was the chief seat of the druids, he resolved to attack it, and to subject a place which was the centre of their superstition, and which afforded protection to all their baffled forces. The Britons endeavored to obstruct his landing on this sacred island, both by the force of their arms and the terrors of their religion. The women and priests were intermingled with the soldiers upon the shore; and running about with flaming torches in their hands, and tossing their dishevelled hair, they struck greater terror into the astonished Romans by their howlings, cries, and execrations, than the real danger from the armed forces was able to inspire. But Suetonius, exhorting his troops to despise the menaces of a superstition which they despised, impelled them to the attack, drove the Britons off the field, burned the druids in the same fires which those priests had prepared for their captive enemies, destroyed all the consecrated groves and altars; and having thus triumphed over the religion of the Britons, he thought his future progress would be easy in reducing the people to subjection. But he was disappointed in his expectations. The Britons, taking advantage of his absence, were all in arms; and headed by Boadicea, queen of the Iceni, who had been treated in the most ignominious manner by the Roman tribunes, had already attacked, with success, several settlements of their insulting conquerors. Suetonius hastened to the protection of London, which was already a flourishing Roman colony; but found, on his arrival, that it would be requisite for the general safety, to abandon that place to the merciless fury

of the enemy. London was reduced to ashes; such of the inhabitants as remained in it were cruelly massacred; the Romans and all strangers, to the number of seventy thousand, were every where put to the sword without distinction; and the Britons, by rendering the war thus bloody, seemed determined to cut off all hopes of peace or composition with the enemy. But this cruelty was revenged by Suetonius in a great and decisive battle, where eighty thousand of the Britons are said to have perished, and Boadicea herself, rather than fall into the hands of the enraged victor, put an end to her own life by poison.<sup>12</sup> Nero soon after recalled Suetonius from a government, where, by suffering and inflicting so many severities, he was judged improper for composing the angry and alarmed minds of the inhabitants. After some interval, Cerealis received the command from Vespasian, and by his bravery propagated the terror of the Roman arms, Julius Frontinus succeeded Cerealis both in authority and in reputation: but the general who finally established the dominion of the Romans in this island, was Julius Agricola, who governed it in the reigns of Vespasian, Titus, and Domitian, and distinguished himself in that scene of action.

This great commander formed a regular plan for subduing Britain, and rendering the acquisition useful to the conquerors. He carried his victorious arms northwards, defeated the Britons in every encounter, pierced into the inaccessible forests and mountains of Caledonia, reduced every state to subjection in the southern parts of the island, and chased before him all the men of fiercer and more intractable spirits, who deemed war and death itself less intolerable than servitude under the victors. He even defeated them in a decisive action, which they fought under Galgacus, their leader; and having fixed a chain of garrisons between the Friths of Clyde and Forth, he thereby cut off the ruder and more barren parts of the island, and secured the Roman province from the incursions of the barbarous inhabitants.<sup>13</sup>

During these military enterprises, he neglected not the arts of peace. He introduced laws and civility among the Britons, taught them to desire and raise all the conveniences of life, reconciled them to the Roman language and manners, instructed them in letters and science, and employed every expedient to render those chains which he had forged both easy and agreeable to them.<sup>14</sup>

The inhabitants, having experienced how unequal their own force was to resist that of the Romans, acquiesced in the dominion of their masters, and were gradually incorporated as a part of that mighty empire.

This was the last durable conquest made by the Romans, and Britain, once subdued, gave no further inquietude to the victor. Caledonia alone, defended by its barren mountains, and by the contempt which the Romans entertained for it, sometimes infested the more cultivated parts of the island by the incursions of its inhabitants. The better to secure the frontiers of the empire, Adrian, who visited this island, built a rampart between the River Tyne and the Frith of Solway; Lollius Urbicus, under Antoninus Pius, erected one in the place where Agricola had formerly established his garrisons, Severus, who made an expedition into Britain, and carried his arms to the most northern extremity of it, added new fortifications to the wall of Adrian; and during the reigns of all the Roman emperors, such a profound tranquillity prevailed in Britain, that little mention is made of the affairs of that island by any historian. The only incidents which occur, are some seditions or rebellions of the Roman legions quartered there, and some usurpations of the imperial dignity by the Roman governors. The natives, disarmed, dispirited, and submissive, had lost all desire and even idea of their former liberty and independence.

But the period was now come, when that enormous fabric of the Roman empire, which had diffused slavery and oppression, together with peace and civility, over so considerable a part of the globe, was approaching towards its final dissolution. Italy, and the centre of the empire, removed during so many ages from all concern in the wars, had entirely lost the military spirit, and were peopled by an enervated race, equally disposed to submit to a foreign yoke, or to the tyranny of their own rulers. The emperors found themselves obliged to recruit their legions from the frontier provinces, where the genius of war, though languishing, was not totally extinct; and these mercenary forces, careless of laws and civil institutions, established a military government no less dangerous to the sovereign than to the people. The further progress of the same disorders introduced the bordering barbarians into the service of the Romans; and those fierce nations, having now added discipline to their native bravery, could no longer be restrained by the impotent policy of the

emperors, who were accustomed to employ one in the destruction of the others. Sensible of their own force, and allured by the prospect of so rich a prize, the northern barbarians, in the reign of Arcadius and Honorius, assailed at once all the frontiers of the Roman empire; and having first satiated their avidity by plunder, began to think of fixing a settlement in the wasted provinces. The more distant barbarians, who occupied the deserted habitations of the former, advanced in their acquisitions, and pressed with their incumbent weight the Roman state, already unequal to the load which it sustained. Instead of arming the people in their own defence, the emperors recalled all the distant legions, in whom alone they could repose confidence; and collected the whole military force for the defence of the capital and centre of the empire. The necessity of self-preservation had superseded the ambition of power; and the ancient point of honor, never to contract the limits of the empire, could no longer be attended to in this desperate extremity.

Britain by its situation was removed from the fury of these barbarous incursions; and being also a remote province, not much valued by the Romans, the legions which defended it were carried over to the protection of Italy and Gaul. But that province, though secured by the sea against the inroads of the greater tribes of barbarians, found enemies on its frontiers, who took advantage of its present defenceless situation. The Picts and Scots, who dwelt in the northern parts, beyond the wall of Antoninus, made incursions upon their peaceable and effeminate neighbors; and besides the temporary depredations which they committed, these combined nations threatened the whole province with subjection, or, what the inhabitants more dreaded, with plunder and devastation. The Picts seem to have been a tribe of the native British race, who, having been chased into the northern parts by the conquests of Agricola, had there intermingled with the ancient inhabitants: the Scots were derived from the same Celtic origin, had first been established in Ireland, had migrated to the north-west coasts of this island, and had long been accustomed, as well from their old as their new seats, to infest the Roman province by piracy and rapine.<sup>15</sup>

These tribes finding their more opulent neighbors exposed to invasion, soon broke over the Roman wall, no longer defended by the



Roman arms; and, though a contemptible enemy in themselves, met with no resistance from the unwarlike inhabitants. The Britons, accustomed to have recourse to the emperors for defence as well as government, made supplications to Rome: and one legion was sent over for their protection. This force was an overmatch for the barbarians, repelled their invasion, touted them in every engagement, and having chased them into their ancient limits, returned in triumph to the defence of the southern provinces of the empire.<sup>16</sup>

Their retreat brought on a new invasion of the enemy. The Britons made again an application to Rome, and again obtained the assistance of a legion, which proved effectual for their relief: but the Romans, reduced to extremities at home, and fatigued with those distant expeditions, informed the Britons that they must no longer look to them for succor, exhorted them to arm in their own defence, and urged, that, as they were now their own masters, it became them to protect by their valor that independence which their ancient lords had conferred upon them.<sup>17</sup> That they might leave the island with the better grace, the Romans assisted them in erecting anew the wall of Severus, which was built entirely of stone, and which the Britons had not at that time artificers skilful enough to repair.<sup>18</sup>

And having done this last good office to the inhabitants, they bade a final adieu to Britain, about the year 448, after being masters of the more considerable part of it during the course of near four centuries.

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<sup>10</sup> Tacit. Agr.]

<sup>11</sup> Tacit. Ann lib. xii.]

<sup>12</sup> Tacit Ann. lib. xiv.]

<sup>13</sup> Tacit. Agr.]

<sup>14</sup> Tacit. Agr.]

<sup>15</sup> This question has been disputed With as great zeal, and even acrimony, between the Scotch and Irish antiquaries, as if the honor of their respective countries were the most deeply concerned in the decision. We shall not enter into any detail on so uninteresting a subject, but shall propose our opinion in a few words. It appears more than probable, from the similitude of language and manners, that Britain either was originally peopled, or was subdued, by the migration of inhabitants from Gaul, and Ireland from

Britain: the position of the several countries is an additional reason that favors this conclusion. It appears also probable, that the migrations of that colony of Gauls or Celts, who peopled or subdued Ireland, was originally made from the north-west parts of Britain; and this conjecture (if it do not merit a higher name) is founded both on the Irish language which is a very different dialect from the Welsh, and from the language anciently spoken in South Britain, and on the vicinity of Lancashire, Cumberland, Galloway, and Argyleshire, to that island. These events, as they passed along before the age of history and records, must be known by reasoning alone, which, in this case, seems to be pretty satisfactory. Caesar and Tacitus, not to mention a multitude of other Greek and Roman authors, were guided by like inferences. But, besides these primitive facts, which lie in a very remote antiquity, it is a matter of positive and undoubted testimony, that the Roman province of Britain, during the time of the lower empire, was much infested by bands of robbers or pirates, whom the provincial Britons called Scots or Scuits; a name which was probably used as a term of reproach, and which these bandits themselves did not acknowledge or assume. We may infer, from two passages in Claudian, and from one in Orosius, and another in Isidore, that the chief seat of these Scots was in Ireland. That some part of the Irish freebooters migrated back to the north-west parts of Britain, whence their ancestors had probably been derived in a more remote age, is positively asserted by Bede, and implied in Gildas. I grant, that neither Bede nor Gildas are Caesars or Tacituses; but such as they are, they remain the sole testimony on the subject, and therefore must be relied on for want of better: happily, the frivolousness of the question corresponds to the weakness of the authorities. Not to mention, that, if any part of the traditional history of a barbarous people can be relied on, it is the genealogy of nations, and even sometimes that of families. It is in vain to argue against these facts, from the supposed warlike disposition of the Highlanders, and unwarlike of the ancient Irish. Those arguments are still much weaker than the authorities. Nations change very quickly in these particulars. The Britons were unable to resist the Picts and Scots, and invited over the Saxons for their defence, who repelled those invaders; yet the same Britons valiantly resisted, for one hundred and fifty years, not only this victorious band of Saxons, but infinite numbers more, who poured in upon them from all quarters. Robert Bruce, in 1322, made a peace, in which England, after many defeats, was constrained to acknowledge the independence of his country; yet in no more distant period than ten years after, Scotland was totally subdued by a small handful of English, led by a few private noblemen. All history is full of such events. The Irish Scots, in the course of two or three centuries, might find time and opportunities sufficient to settle in North Britain, though we can neither assign the period nor causes of that revolution. Their barbarous manner of life rendered them much fitter than the Romans for subduing these mountaineers. And, in a word, it is clear, from the language of the two countries, that the Highlanders and the Irish are the same people, and that the one are a

colony from the other. We have positive evidence, which, though from neutral persons, is not perhaps the best that may be wished for, that the former, in the third or fourth century, sprang from the latter; we have no evidence at all that the latter sprang from the former. I shall add, that the name of Erse, or Irish, given by the low country Scots to the language of the Scotch Highlanders, is a certain proof of the traditional opinion delivered from father to son, that the latter people came originally from Ireland.]

<sup>16</sup>..... Gildas, Bede, lib. i. cap. 12.]

<sup>17</sup>..... Paul. Diacon. p. 43.]

<sup>18</sup>..... Ibid.

## THE BRITONS.

**T**he abject Britons regarded this present of liberty as fatal to them; and were in no condition to put in practice the prudent counsel given them by the Romans, to arm in their own defence. Unaccustomed both to the perils of war and to the cares of civil government, they found themselves incapable of forming or executing any measures for resisting the incursions of the barbarians. Gratian also and Constantine, two Romans who had a little before assumed the purple in Britain, had carried over to the continent the flower of the British youth; and having perished in their unsuccessful attempts on the imperial throne, had despoiled the island of those who, in this desperate extremity, were best able to defend it. The Picts and Scots, finding that the Romans had finally relinquished Britain, now regarded the whole as their prey, and attacked the northern wall with redoubled forces. The Britons, already subdued by their own fears, found the ramparts but a weak defence for them; and deserting their station, left the country entirely open to the inroads of the barbarous enemy. The invaders carried devastation and ruin along with them; and exerted to the utmost their native ferocity, which was not mitigated by the helpless condition and submissive behavior of the inhabitants.<sup>19</sup>.....

The unhappy Britons had a third time recourse to Rome, which had declared its resolution forever to abandon them. Ætius, the patrician,

sustained at that time, by his valor and magnanimity, the tottering ruins of the empire, and revived for a moment among the degenerate Romans the spirit, as well as discipline, of their ancestors. The British ambassadors carried to him the letter of their countrymen, which was inscribed, "The groans of the Britons." The tenor of the epistle was suitable to its superscription. "The barbarians," say they, "on the one hand, chase us into the sea; the sea, on the other, throws us back upon the barbarians; and we have only the hard choice left us of perishing by the sword or by the waves."<sup>20</sup>.....

But Ætius, pressed by the arms of Attila, the most terrible enemy that ever assailed the empire, had no leisure to attend to the complaints of allies, whom generosity alone could induce him to assist.<sup>21</sup>.....

The Britons, thus rejected, were reduced to despair, deserted their habitations, abandoned tillage, and flying for protection to the forests and mountains, suffered equally from hunger and from the enemy. The barbarians themselves began to feel the pressures of famine in a country which they had ravaged; and being harassed by the dispersed Britons, who had not dared to resist them in a body, they retreated with their spoils into their own country.<sup>22</sup>.....

The Britons, taking advantage of this interval, returned to their usual occupations; and the favorable seasons which succeeded, seconding their industry, made them soon forget their past miseries, and restored to them great plenty of all the necessaries of life. No more can be imagined to have been possessed by a people so rude, who had not, without the assistance of the Romans, art of masonry sufficient to raise a stone rampart for their own defence; yet the monkish historians,<sup>23</sup>..... who treat of those events, complain of the luxury of the Britons during this period, and ascribe to that vice, not to their cowardice or improvident counsels, all their subsequent calamities.

The Britons, entirely occupied in the enjoyment of the present interval of peace, made no provision for resisting the enemy, who, invited by their former timid behavior, soon threatened them with a new invasion. We are not exactly informed what species of civil government the Romans, on their departure, had left among the Britons, but it appears probable that the great men in the different districts assumed a kind of regal, though

precarious authority, and lived in a great measure independent of each other.<sup>24</sup>.....

To this disunion of counsels were also added the disputes of theology; and the disciples of Pelagius, who was himself a native of Britain, having increased to a great multitude, gave alarm to the clergy, who seem to have been more intent on suppressing them, than on opposing the public enemy.<sup>25</sup>.....

Laboring under these domestic evils, and menaced with a foreign invasion, the Britons attended only to the suggestions of their present fears, and following the counsels of Vortigern, prince of Dumnonium, who, though stained with every vice, possessed the chief authority among them,<sup>26</sup>..... they sent into Germany a deputation to invite over the Saxons for their protection and assistance.

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<sup>19</sup>..... Gildas, Bede, lib. i. Allured. Beverl. p. 45.]

<sup>20</sup>..... Gildas, Bede, lib. i. cap. 13. William of Malmesbury, lib. i. cap. 1 Alured. Beverl. p. 45.]

<sup>21</sup>..... Saxon Chron. p. 11, edit. 1692.]

<sup>22</sup>..... Alured. Beverl, p. 45.]

<sup>23</sup>..... Gildas, Bede, lib. i. cap. 14.]

<sup>24</sup>..... Gildas, Usher, Ant. Brit. p. 248, 347.]

<sup>25</sup>..... Gildas, Bede, lib. i. cap. 17. Constant, in Vita Germ.]

<sup>26</sup>..... Gildas, W. Malms. p. 8.]

## THE SAXONS.

**O**f all the barbarous nations, known either in ancient or modern times, the Germans seem to have been the most distinguished both by their manners and political institutions, and to have carried to the highest pitch the virtues of valor and love of liberty; the only virtues which can have place among an uncivilized people, where justice

and humanity are commonly neglected. Kingly government, even when established among the Germans, (for it was not universal,) possessed a very limited authority; and though the sovereign was usually chosen from among the royal family, he was directed in every measure by the common consent of the nation over whom he presided. When any important affairs were transacted, all the warriors met in arms; the men of greatest authority employed persuasion to engage their consent; the people expressed their approbation by rattling their armor, or their dissent by murmurs; there was no necessity for a nice scrutiny of votes among a multitude, who were usually carried with a strong current to one side or the other; and the measure, thus suddenly chosen by general agreement, was executed with alacrity, and prosecuted with vigor. Even in war, the princes governed more by example than by authority, but in peace, the civil union was in a great measure dissolved, and the inferior leaders administered justice, after an independent manner, each in his particular district. These were elected by the votes of the people in their great councils; and though regard was paid to nobility in the choice, their personal qualities, chiefly their valor, procured them, from the suffrages of their fellow-citizens, that honorable but dangerous distinction. The warriors of each tribe attached themselves to the leader, with the most devoted affection and most unshaken constancy. They attended him as his ornament in peace, as his defence in war, as his council in the administration of justice. Their constant emulation in military renown dissolved not that inviolable friendship which they professed to their chieftain and to each other. To die for the honor of their band was their chief ambition; to survive its disgrace, or the death of their leader, was infamous. They even carried into the field their women and children, who adopted all the martial sentiments of the men: and being thus impelled by every human motive, they were invincible; where they were not opposed, either by the similar manners and institutions of the neighboring Germans, or by the superior discipline, arms, and numbers of the Romans.<sup>27</sup>

The leaders and their military companions were maintained by the labor of their slaves, or by that of the weaker and less warlike part of the community whom they defended. The contributions which they levied went not beyond a bare subsistence; and the honors, acquired by a

superior rank, were the only reward of their superior dangers and fatigues. All the refined arts of life were unknown among the Germans: tillage itself was almost wholly neglected; they even seem to have been anxious to prevent any improvements of that nature; and the leaders, by annually distributing anew all the land among the inhabitants of each village, kept them from attaching themselves to particular possessions, or making such progress in agriculture as might divert their attention from military expeditions, the chief occupation of the community.<sup>28</sup>

The Saxons had been for some time regarded as one of the most warlike tribes of this fierce people, and had become the terror of the neighboring nations.<sup>29</sup>

They had diffused themselves from the northern parts of Germany and the Cimbrian Chersonesus, and had taken possession of all the sea-coast from the mouth of the Rhine to Jutland; whence they had long infested by their piracies all the eastern and southern parts of Britain, and the northern of Gaul.<sup>30</sup>

In order to oppose their inroads, the Romans had established an officer, whom they called "Count of the Saxon shore;" and as the naval arts can flourish among a civilized people alone, they seem to have been more successful in repelling the Saxons than any of the other barbarians by whom they were invaded. The dissolution of the Roman power invited them to renew their inroads; and it was an acceptable circumstance that the deputies of the Britons appeared among them, and prompted them to undertake an enterprise to which they were of themselves sufficiently inclined.<sup>31</sup>

Hengist and Horsa, two brothers, possessed great credit among the Saxons, and were much celebrated both for their valor and nobility. They were reputed, as most of the Saxon princes, to be sprung from Woden, who was worshipped as a god among those nations, and they are said to be his great grandsons;<sup>32</sup> a circumstance which added much to their authority.

We shall not attempt to trace any higher the origin of those princes and nations. It is evident what fruitless labor it must be to search, in those barbarous and illiterate ages, for the annals of a people, when their first leaders, known in any true history, were believed by them to be the fourth

in descent from a fabulous deity, or from a man exalted by ignorance into that character. The dark industry of antiquaries, led by imaginary analogies of names, or by uncertain traditions, would in vain attempt to pierce into that deep obscurity which covers the remote history of those nations.

These two brothers, observing the other provinces of Germany to be occupied by a warlike and necessitous people, and the rich provinces of Gaul already conquered or overrun by other German tribes, found it easy to persuade their countrymen to embrace the sole enterprise which promised a favorable opportunity of displaying their valor and gratifying their avidity. They embarked their troops in three vessels and about the year 449 or 450,<sup>33</sup> earned over one thousand six hundred men, who landed in the Isle of Thanet, and immediately marched to the defence of the Britons against the northern invaders. The Scots and Picts were unable to resist the valor of these auxiliaries; and the Britons, applauding their own wisdom in calling over the Saxons, hoped thenceforth to enjoy peace and security under the powerful protection of that warlike people.

But Hengist and Horsa, perceiving, from their easy victory over the Scots and Picts, with what facility they might subdue the Britons themselves, who had not been able to resist those feeble invaders, were determined to conquer and fight for their own grandeur, not for the defence of their degenerate allies. They sent intelligence to Saxony of the fertility and riches of Britain, and represented as certain the subjection of a people so long disused to arms, who, being now cut off from the Roman empire, of which they had been a province during so many ages, had not yet acquired any union among themselves, and were destitute of all affection to their new liberties, and of all national attachments and regards.<sup>34</sup> The vices, and pusillanimity of Vortigern, the British leader, were a new ground of hope; and the Saxons in Germany, following such agreeable prospects, soon reënforced Hengist and Horsa with five thousand men, who came over in seventeen vessels. The Britons now began to entertain apprehensions of their allies, whose numbers they found continually augmenting; but thought of no remedy, except a passive submission and connivance. This weak expedient soon failed them. The Saxons sought a quarrel, by complaining that their subsidies were ill paid,



and their provisions withdrawn;<sup>35</sup>..... and immediately taking off the mask, they formed an alliance with the Picts and Scots, and proceeded to open hostility against the Britons.

The Britons, impelled by these violent extremities, and roused to indignation against their treacherous auxiliaries, were necessitated to take arms; and having deposed Vortigern, who had become odious from his vices, and from the bad event of his rash counsels, they put themselves under the Command of his son, Vortimer. They fought many battles with their enemies; and though the victories in these actions be disputed between the British and Saxon annalists, the progress still made by the Saxons proves that the advantage was commonly on their side.

In one battle, however, fought at Faglesford, now Ailsford, Horsa, the Saxon general, was slain and left the sole command over his countrymen in the hands of Hengist. This active general, continually reinforced by fresh numbers from Germany, carried devastation into the most remote corners of Britain; and being chiefly anxious to spread the terror of his arms, he spared neither age, nor sex, nor condition, wherever he marched with his victorious forces. The private and public edifices of the Britons were reduced to ashes; the priests were slaughtered on the altars by those idolatrous ravagers; the bishops and nobility shared the fate of the vulgar; the people, flying to the mountains and deserts, were intercepted and butchered in heaps: some were glad to accept of life and servitude under their victors: others, deserting their native country, took shelter in the province of Armorica; where, being charitably received by a people of the same language and manners, they settled in great numbers, and gave the country the name of Brittany.<sup>36</sup>.....

The British writers assign one cause which facilitated the entrance of the Saxons into this island—the love with which Vortigern was at first seized for Rowena, the daughter of Hengist, and which that artful warrior made use of to blind the eyes of the imprudent monarch.<sup>37</sup> The same historians add, that Vortimer died; and that Vortigern, being restored to the throne, accepted of a banquet from Hengist, at Stonehenge, where three hundred of his nobility were treacherously slaughtered, and himself detained captive.<sup>38</sup>..... But these stories seem to have been invented by the Welsh authors, in order to palliate the weak resistance made at first by

their countrymen, and to account for the rapid progress and licentious devastations of the Saxons.<sup>39</sup>

After the death of Vortimer, Ambrosius, a Briton, though of Roman descent, was invested with the command over his countrymen, and endeavored, not without success, to unite them in their resistance against the Saxons. Those contests increased the animosity between the two nations, and roused the military spirit of the ancient inhabitants, which had before been sunk into a fatal lethargy.

Hengist, however, notwithstanding their opposition, still maintained his ground in Britain and in order to divide the forces and attention of the natives he called over a new tribe of Saxons, under the command of his brother Octa, and of Ebissa, the son of Octa; and he settled them in Northumberland. He himself remained in the southern parts of the island, and laid the foundation of their kingdom of Kent, comprehending the county of that name Middlesex, Essex, and part of Surrey. He fixed his royal seat at Canterbury, where he governed about forty years, and he died in or near the year 488, leaving his new-acquired dominions to his posterity.

The success of Hengist excited the avidity of the other northern Germans; and at different times, and under different leaders, they flocked over in multitudes to the invasion of his island. These conquerors were chiefly composed of three tribes, the Saxons, Angles, and Jutes,<sup>40</sup> who all passed under the common appellation, sometimes, of *Saxons*, sometimes of *Angles*; and speaking the same language, and being governed by the same institutions, they were naturally led, from these causes, as well as from their common interest, to unite themselves against the ancient inhabitants. The resistance, however, though unequal, was still maintained by the Britons; but became every day more feeble; and their calamities admitted of few intervals, till they were driven into Cornwall and Wales, and received protection from the remote situation or inaccessible mountains of those countries.

The first Saxon state, after that of Kent, which was established in Britain, was the kingdom of South Saxony. In the year 477,<sup>41</sup> Ælla, a Saxon chief, brought over an army from Germany; and, landing on the southern coast, proceeded to take possession of the neighboring territory. The

Britons, now armed, did not tamely abandon their possessions; nor were they expelled till defeated in many battles by their war-like invaders. The most memorable action, mentioned by historians, is that of Mearcraedes Burn;<sup>42</sup> where, though the Saxons seem to have obtained the victory, they suffered so considerable a loss, as somewhat retarded the progress of their conquests.

But Ælla, reënforced by fresh numbers of his countrymen, again took the field against the Britons; and laid siege to Ancired Ceaster, which was defended by the garrison and inhabitants with desperate valor.<sup>43</sup> The Saxons, enraged by this resistance, and by the fatigues and dangers which they had sustained, redoubled their efforts against the place; and, when masters of it, put all their enemies to the sword without distinction. This decisive advantage secured the conquests of Ælla, who assumed the name of king, and extended his dominion over Sussex and a great part of Surrey. He was stopped in his progress to the east by the kingdom of Kent; in that to the west by another tribe of Saxons, who had taken possession of that territory.

These Saxons, from the situation of the country in which they settled, were called the *West Saxons*, and landed in the year 495, under the command of Cerdic, and of his son Kenric.<sup>44</sup> The Britons were, by past experience, so much on their guard, and so well prepared to receive the enemy, that they gave battle to Cerdic the very day of his landing; and, though vanquished, still defended, for some time, their liberties against the invaders. None of the other tribes of Saxons met with such vigorous resistance, or exerted such valor and perseverance in pushing their conquests. Cerdic was even obliged to call for the assistance of his countrymen from the kingdoms of Kent and Sussex, as well as from Germany, and he was thence joined by a fresh army under the command of Porte, and of his sons Bleda and Megla.<sup>45</sup> Strengthened by these succors, he fought, in the year 508, a desperate battle with the Britons, commanded by Nazan Leod, who was victorious in the beginning of the action, and routed the wing in which Cerdic himself commanded. But Kenric, who had prevailed in the other wing, brought timely assistance to his father, and restored the battle, which ended in a complete victory gained by the Saxons.<sup>46</sup> Nazan Leod perished, with five thousand of his

army; but left the Britons more weakened than discouraged by his death. The war still continued, though the success was commonly on the side of the Saxons, whose short swords and manner of fighting gave them great advantage over the missile weapons of the Britons.

Cerdic was not wanting to in good fortune; and in order to extend his conquests, he laid siege to Mount Badon or Banedowne, near Bath, whither the most obstinate of the discomfited Britons had retired. The southern Britons, in this extremity, applied for assistance to Arthur, prince of the Silures, whose heroic valor now sustained the declining fate of his country.<sup>47</sup> This is that Arthur so much celebrated in the songs of Thaliessin, and the other British bards, and whose military achievements have been blended with so many fables, as even to give occasion for entertaining a doubt of his real existence. But poets, though they disfigure the most certain history by their fictions, and use strange liberties with truth where they are the sole historians, as among the Britons, have commonly some foundation for their wildest exaggerations. Certain it is, that the siege of Badon was raised by the Britons in the year 520; and the Saxons were there discomfited in a great battle.<sup>48</sup> This misfortune stopped the progress of Cerdic; but was not sufficient to wrest from him the conquests which he had already made. He and his son Kenric, who succeeded him, established the kingdom of the West Saxons, or of Wessex, over the counties of Hants, Dorset, Wilts, Berks, and the Isle of Wight, and left their new-acquired dominions to their posterity. Cerdic died in 534, Kenric in 560.

While the Saxons made this progress in the south, their countrymen were not less active in other quarters. In the year 527, a great tribe of adventurers, under several leaders, landed on the east coast of Britain; and after fighting many battles, of which history has preserved no particular account, they established three new kingdoms in this island. Uffa assumed the title of king of the East Angles in 575; Crida, that of Mercia in 585;<sup>49</sup> and Erkenwin, that of East Saxony, or Essex, nearly about the same time; but the year is uncertain. This latter kingdom was dismembered from that of Kent, and comprehended Essex, Middlesex, and part of Hertfordshire; that of the East Angles, the counties of Cambridge, Suffolk, and Norfolk:

Mercia was extended over all the middle counties from the banks of the Severn to the frontiers of these two kingdoms.

The Saxons, soon after the landing of Hengist, had been planted in Northumberland; but as they met with an obstinate resistance, and made but small progress in subduing the inhabitants, their affairs were in so unsettled a condition, that none of their princes for a long time assumed the appellation of king. At last, in 547,<sup>50</sup> Ida, a Saxon prince of great valor,<sup>51</sup> who claimed a descent, as did all the other princes of that nation, from Woden, brought over a réinforcement from Germany, and enabled the Northumbrians to carry on their conquests over the Britons. He entirely subdued the county now called Northumberland, the bishopric of Durham, as well as some of the south-east counties of Scotland; and he assumed the crown under the title of king of Bernicia. Nearly about the same time, Ælla, another Saxon prince, having conquered Lancashire and the greater part of Yorkshire, received the appellation of king of Deïri.<sup>52</sup> These two kingdoms were united in the person of Ethelfrid, grandson of Ida, who married Acca, the daughter of Ælla; and expelling her brother Edwin, established one of the most powerful of the Saxon kingdoms, by the title of Northumberland. How far his dominions extended into the country now called Scotland is uncertain: but it cannot be doubted, that all the lowlands, especially the east coast of that country, were peopled in a great measure from Germany; though the expeditions, made by the several Saxon adventurers, have escaped the records of history. The language spoken in those countries, which is purely Saxon, is a stronger proof of this event than can be opposed by the imperfect, or rather fabulous annals, which are obtruded on us by the Scottish historians.

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<sup>27</sup> ..... Caesar, lib. vi.]

<sup>28</sup> ..... Tacit. de Mor. Germ]

<sup>29</sup> ..... Amm. Marcell. lib. xxviii. Orosius.]

<sup>30</sup> ..... Amm. Marcell. lib. xxvii. cap. 7. lib. xxviii. cap. 7]

<sup>31</sup> ..... W. Malms, p. 8.]

<sup>32</sup> ..... Bede, lib. i. cap. 15. Chron. Sax. p. 13. Nennius, cap. 28.]

- <sup>33</sup> Chron. Sax. p. 12. W. Malms, p. 11. Hunting, lib. U. p. 309. Ethelwerd, Brompton, p. 728.]
- <sup>34</sup> Chron. Sax. p. 12. Alured. Beverl. p. 49.]
- <sup>35</sup> Bede, lib. i. cap. 15. Nennius, cap. 35. Gildas, sect 2d.]
- <sup>36</sup> Bede, lib. i. cap. 15. Usher, p. 226. Gildas, sect. 24.]
- <sup>37</sup> Nennius, Galfr. lib. vi. cap. 12.]
- <sup>38</sup> Nennius, cap. 47. Galfr.]
- <sup>39</sup> Stillingfleet's Orig. Britt. p. 324,325.]
- <sup>40</sup> Bede, lib. i. cap. 15. Ethelwerd, p. 833, edit. Camdeni. Chron. Sax. p. 12. Alured. Beverl. p. 78. The inhabitants of Kent and the Isle of Wight were Jutes. Essex, Middlesex, Surrey, Sussex, and all the southern counties to Cornwall, were peopled by Saxons: Mercis mud other parts of the kingdom were inhabited by Angles.]
- <sup>41</sup> Chron. Sax. p.14. Alured Beverl. p. 81.]
- <sup>42</sup> Chron. Sax. A. D. 485. Flor. Wigron]
- <sup>43</sup> H. Hunting, lib. ii.]
- <sup>44</sup> W. Malms, lib. i. cap. I, p. 12. Chron. Sax. p. 15.]
- <sup>45</sup> Chron. Sax. p. 17.]
- <sup>46</sup> H. Hunting, lib ii. Ethelwerd, lib. i. Chron. Sax. p. 17.]
- <sup>47</sup> H. Hunting, lib. ii.]
- <sup>48</sup> Gildas, Chron. Sax. H. Hunting, lib. ii.]
- <sup>49</sup> M. West. H. Hunting, lib. ii.]
- <sup>50</sup> Chron. Sax. p. 19.]
- <sup>51</sup> W. Malms, p. 19.]
- <sup>52</sup> Alured, Beverl. p. 78].

## THE HEPTARCHY

hus was established, after a violent contest of near a hundred and fifty years, the Heptarchy, or seven Saxon kingdoms, in Britain;

**T**and the whole southern part of the island, except Wales and Cornwall, had totally changed its inhabitants, language, customs, and political institutions. The Britons, under the Roman dominion, had made such advances towards arts and civil manners, that they had built twenty-eight considerable cities within their province, besides a great number of villages and country seats; <sup>53</sup> but the fierce conquerors, by whom they were now subdued, threw every thing back into ancient barbarity; and those few natives, who were not either massacred or expelled their habitations, were reduced to the most abject slavery.

None of the other northern conquerors, the Franks, Goths, Vandals, or Burgundians, though they overran the southern provinces of the empire like a mighty torrent, made such devastations in the conquered territories, or were inflamed into so violent an animosity against the ancient inhabitants. As the Saxons came over at intervals in separate bodies, the Britons, however at first unwarlike, were tempted to make resistance; and hostilities, being thereby prolonged, proved more destructive to both parties, especially to the vanquished. The first invaders from Germany, instead of excluding other adventurers, who must share with them the spoils of the ancient inhabitants, were obliged to solicit fresh supplies from their own country; and a total extermination of the Britons became the sole expedient for providing a settlement and subsistence to the new planters. Hence there have been found in history few conquests more ruinous than that of the Saxons, and few revolutions more violent than that which they introduced.

So long as the contest was maintained with the natives, the several Saxon princes preserved a union of counsels and interests; but after the Britons were shut up in the barren countries of Cornwall and Wales, and gave no further disturbance to the conquerors, the band of alliance was in a great measure dissolved among the princes of the Heptarchy. Though one prince seems still to have been allowed, or to have assumed, an ascendant over the whole, his authority, if it ought ever to be deemed regular or legal, was extremely limited; and each state acted as if it had been independent, and wholly separate from the rest Wars, therefore, and

revolutions and dissensions, were unavoidable among a turbulent and military people; and these events, however intricate or confused, ought now to become the objects of our attention. But, added to the difficulty of carrying on at once the history of seven independent kingdoms, there is great discouragement to a writer, arising from the uncertainty, at least barrenness, of the accounts transmitted to us. The monks, who were the only annalists during those ages, lived remote from public affairs, considered the civil transactions as entirely subordinate to the ecclesiastical, and, besides partaking of the ignorance and barbarity which were then universal, were strongly infected with credulity, with the love of wonder, and with a propensity to imposture; vices almost inseparable from their profession and manner of life. The history of that period abounds in names, but is extremely barren of events; or the events are related so much without circumstances and causes, that the most profound or most eloquent writer must despair of rendering them either instructive or entertaining to the reader. Even the great learning and vigorous imagination of Milton sunk under the weight; and this author scruples not to declare, that the skirmishes of kites or crows as much merited a particular narrative, as the confused transactions and battles of the Saxon Heptarchy.<sup>54</sup> In order, however, to connect the events in some tolerable measure, we shall give a succinct account of the successions of kings, and of the more remarkable revolutions in each particular kingdom; beginning with that of Kent, which was the first established.

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<sup>53</sup> Gildas, *Sede*, lib, i.]

<sup>54</sup> Milton in Kennet, p. 50]

## THE KINGDOM OF KENT

**E**scus succeeded his father, Hengist, in the kingdom of Kent; but seems not to have possessed the military genius of that conqueror, who first made way for the entrance of the Saxon arms into Britain. All the Saxons, who sought either the fame of valor, or new establishments



by arms, flocked to the standard of Ælla, king of Sussex, who was carrying on successful war against the Britons, and laying the foundations of a new kingdom. Escus was content to possess in tranquillity the kingdom of Kent, which he left in 512 to his son Octet, in whose time the East Saxons established their monarchy, and dismembered the provinces of Essex and Middlesex from that of Kent. His death, after a reign of twenty two years, made room for his son Hermenric in 534, who performed nothing memorable during a reign of thirty-two years; excepting associating with him his son Ethelbert in the government, that he might secure the succession hi his family, and prevent such revolutions as are incident to a turbulent and barbarous monarchy.

Ethelbert revived the reputation of his family, which had languished for some generations. The inactivity of his predecessors, and the situation of his country, secured from all hostility with the Britons, seem to have much enfeebled the warlike genius of the Kentish Saxons; and Ethelbert, in his first attempt to aggrandize his country, and distinguish his own name, was unsuccessful.<sup>55</sup> He was twice discomfited in battle by Ceaulin, king of Wessex, and obliged to yield the superiority in the Heptarchy to that ambitious monarch, who preserved no moderation in his victory, and by reducing the kingdom of Sussex to subjection, excited jealousy in all the other princes. An association was formed against him; and Ethelbeit, intrusted with the command of the allies, gave him battle, and obtained a decisive victory.<sup>56</sup> Ceaulin died soon after; and Ethelbert succeeded as well to his ascendant among the Saxon states, as to his other ambitious projects. He reduced all the princes, except the king of Northumberland, to a strict dependence upon him; and even established himself by force on the throne of Mercia, the most extensive of the Saxon kingdoms. Apprehensive, however, of a dangerous league against him, like that by which he himself had been enabled to overthrow Ceaulin, he had the prudence to resign the kingdom of Mercia to Webba, the rightful heir, the son of Crida, who had first founded that monarchy. But governed still by ambition more than by justice, he gave Webba possession of the crown on such conditions, as rendered him little better than a tributary prince under his artful benefactor.

But the most memorable event which distinguished the reign of this great prince, was the introduction of the Christian religion among the English Saxons. The superstition of the Germans, particularly that of the Saxons, was of the grossest and most barbarous kind; and being founded on traditional tales, received from their ancestors, not reduced to any system, not supported by political institutions, like that of the druids, it seems to have made little impression on its votaries, and to have easily resigned its place to the new doctrine promulgated to them. Woden, whom they deemed the ancestor of all their princes, was regarded as the god of war, and, by a natural consequence, became their supreme deity, and the chief object of their religious worship. They believed that, if they obtained the favor of this divinity by their valor, (for they made less account of the other virtues,) they should be admitted after their death into his hall; and reposing on couches, should satiate themselves with ale from the skulls of their enemies, whom they had slain in battle. Incited by this idea of paradise, which gratified at once the passion of revenge and that of intemperance, the ruling inclinations of barbarians, they despised the dangers of war, and increased their native ferocity against the vanquished by their religious prejudices.

We know little of the other theological tenets of the Saxons; we only learn that they were polytheists; that they worshipped the sun and moon; that they adored the god of thunder, under the name of Thor; that they had images in their temples; that they practised sacrifices; believed firmly in spells and enchantments; and admitted in general a system of doctrines which they held as sacred, but which, like all other superstition must carry the air of the wildest extravagance, if propounded to those who are not familiarized to it from their earliest infancy.

The constant hostilities which the Saxons maintained against the Britons, would naturally indispose them for receiving the Christian faith, when preached to them by such inveterate enemies; and perhaps the Britons, as is objected to them by Gildas and Bede, were not over-fond of communicating to their cruel invaders the doctrine of eternal life and salvation. But as a civilized people, however subdued by arms, still maintain a sensible superiority over barbarous and ignorant nations, all the other northern conquerors of Europe had been already induced to

embrace the Christian faith, which they found established in the empire; and it was impossible but the Saxons, informed of this event, must have regarded with some degree of veneration a doctrine which had acquired the ascendant over all their brethren. However limited in their news, they could not but have perceived a degree of cultivation in the southern countries beyond what they themselves possessed; and it was natural for them to yield to that superior knowledge, as well as zeal, by which the inhabitants of the Christian kingdoms were even at that time distinguished.

But these causes might long have failed of producing any considerable effect, had not a favorable incident prepared the means of introducing Christianity into Kent. Ethelbert, in his father's lifetime, had married Bertha, the only daughter of Cariben, king of Paris,<sup>57</sup> one of the descendants of Clovis, the conqueror of Gaul.

But before he was admitted to this alliance, he was obliged to stipulate, that the princess should enjoy the free exercise of her religion; a concession not difficult to be obtained from the idolatrous Saxons.<sup>58</sup> Bertha brought over a French bishop to the court of Canterbury; and being zealous for the propagation of her religion, she had been very assiduous in her devotional exercises, had supported the credit of her faith by an irreproachable conduct, and had employed every art of insinuation and address to reconcile her husband to her religious principles. Her popularity in the court, and her influence over Ethelbert, had so well paved the way for the reception of the Christian doctrine, that Gregory, surnamed the Great, then Roman pontiff, began to entertain hopes of effecting a project which lie himself, before he mounted the papal throne, had once embraced, of converting the British Saxons.

It happened that this prelate, at that time in a private station, had observed in the market place of Rome some Saxon youth exposed to sale, whom the Roman merchants, in their trading voyages to Britain, had bought of their mercenary parents. Struck with the beauty of their fair complexions and blooming countenances, Gregory asked to what country they belonged; and being told they were "Angles," he replied that they ought more properly to be denominated "angels." it were a pity that the prince of darkness should enjoy so fair a prey, and that so beautiful a

frontispiece should cover a mind destitute of internal grace and righteousness. Inquiring further concerning the name of their province, he was informed, that it was “Deïri,” a district of Northumberland. “Deïri!” replied he, “that is good! They are called to the mercy of God from his anger—*de ira*. But what is the name of the king of that province?” He was told it was “Ælla,” or “Alia.” “Alleluiah;” cried he, “we must endeavor that the praises of God be sung in their country.” Moved by these allusions, which appeared to him so happy, he determined to undertake himself a mission into Britain; and having obtained the pope’s approbation, he prepared for that perilous journey; but his popularity at home was so great, that the Romans, unwilling to expose him to such dangers, opposed his design, and he was obliged for the present to lay aside all further thoughts of executing that pious purpose.<sup>59</sup>

The controversy between the pagans and the Christians was not entirely cooled in that age; and no pontiff before Gregory had ever carried to greater excess an intemperate zeal against the former religion. He had waged war with all the precious monuments of the ancients, and even with their writings, which, as appears from the strain of his own wit, as well as from the style of his compositions, he had not taste or genius sufficient to comprehend. Ambitious to distinguish his pontificate by the conversion of the British Saxons, he pitched on Augustine, a Roman monk, and sent him with forty associates to preach the gospel in this island. These missionaries, terrified with the dangers which might attend their proposing a new doctrine to so fierce a people, of whose language they were ignorant, stopped some time in France, and sent back Augustine to lay the hazards and difficulties before the pope, and crave his permission to desist from the undertaking. But Gregory exhorted them to persevere in their purpose, advised them to choose some interpreters from among the Franks, who still spoke the same language with the Saxons,<sup>60</sup> and recommended them to the good offices of Queen Brunehaut, who had at this time usurped the sovereign power in France. This princess, though stained with every vice of treachery and cruelty, either possessed or pretended great zeal for the cause; and Gregory acknowledged, that to her friendly assistance was, in a great measure, owing the success of that undertaking.<sup>61</sup>

Augustine, on his arrival in Kent in the year 597,<sup>62</sup> found the danger much less than he had apprehended. Ethelbert, already well disposed towards the Christian faith, assigned him a habitation in the Isle of Thanet, and soon after admitted him to a conference. Apprehensive, however, lest spells or enchantments might be employed against him by priests, who brought an unknown worship from a distant country, he had the precaution to receive them in the open air, where, he believed, the force of their magic would be more easily dissipated.<sup>63</sup> Here Augustine, by means of his interpreters, delivered to him the tenets of the Christian faith, and promised him eternal joys above, and a kingdom in heaven without end, if he would be persuaded to receive that salutary doctrine.

“Our words and promises,”<sup>64</sup> replied Ethelbert, “are fair; but because they are new and uncertain, I cannot entirely yield to them, and relinquish the principles which I and my ancestors have so long maintained. You are welcome, however, to remain here in peace; and as you have undertaken so long a journey, solely, as it appears, for what you believe to be for our advantage, I will supply you with all necessaries, and permit you to deliver your doctrine to my subjects.”<sup>65</sup>

Augustine, encouraged by this favorable reception, and seeing now a prospect of success, proceeded with redoubled zeal to preach the gospel to the Kentish Saxons. He attracted their attention by the austerity of his manners, by the severe penances to which he subjected himself, by the abstinence and self-denial which he practised; and having excited then wonder by a course of life which appeared so contrary to nature, he procured more easily their belief of miracles, which, it was pretended, he wrought for their conversion. Influenced by these motives, and by the declared favor of the court, numbers of the Kentish men were baptized; and the king himself was persuaded to submit to that rite of Christianity. His example had great influence with his subjects; but he employed no force to bring them over to the new doctrine. Augustine thought proper, in the commencement of his mission, to assume the appearance of the greatest lenity; he told Ethelbert, that the service of Christ must be entirely voluntary, and that no violence ought ever to be used in propagating so salutary a doctrine.<sup>66</sup>

The intelligence received of these spiritual conquests afforded great joy to the Romans, who now exulted as much in those peaceful trophies as their ancestors had ever done in their most sanguinary triumphs and most splendid victories. Gregory wrote a letter to Ethelbert, in which, after informing him that the end of the world was approaching, he exhorted him to display his zeal in the conversion of his subjects, to exert rigor against the worship of idols, and to build up the good work of holiness by every expedient of exhortation, terror, blandishment, or correction;<sup>67</sup> a doctrine more suitable to that age, and to the usual papal maxims, than the tolerating principles which Augustine had thought it prudent to inculcate.

The pontiff also answered some questions, which the missionary had put concerning the government of the new church of Kent. Besides other queries, which it is not material here to relate, Augustine asked, "Whether cousins-german might be allowed to marry." Gregory answered, that that liberty had indeed been formerly granted by the Roman law; but that experience had shown that no issue could ever come from such marriages; and he therefore prohibited them. Augustine asked, "Whether a woman pregnant might be baptized." Gregory answered, that he saw no objection. "How soon after the birth the child might receive baptism." It was answered, immediately, if necessary. "How soon a husband might have commerce with his wife after her delivery." Not till she had given suck to her child; a practice to which Gregory exhorts all women. "How; soon a man might enter the church, or receive the sacrament, after having had commerce with his wife." It was replied, that, unless he had approached her without desire, merely for the sake of propagating his species, he was not without sin; but in all cases it was requisite for him, before he entered the church, or communicated, to purge himself by prayer and ablution; and he ought not, even after using these precautions, to participate immediately of the sacred duties.<sup>68</sup> There are some other questions and replies still more indecent and more ridiculous.<sup>69</sup> And on the whole it appears that Gregory and his missionary, if sympathy of manners have any influence, were better calculated than men of more refined understandings, for making a progress with the ignorant and barbarous Saxons.

The more to facilitate the reception of Christianity, Gregory enjoined Augustine to remove the idols from the heathen altars, but not to destroy the altars themselves; because the people, he said, would be allured to frequent the Christian worship, when they found it celebrated in a place which they were accustomed to revere.

And as the pagans practised sacrifices, and feasted with the priests on their offerings, he also exhorted the missionary to persuade them, on Christian festivals, to kill their cattle in the neighborhood of the church, and to indulge themselves in those cheerful entertainments to which they had been habituated.<sup>70</sup> These political compliances show that, notwithstanding his ignorance and prejudices, he was not unacquainted with the arts of governing mankind. Augustine was consecrated archbishop of Canterbury, was endowed by Gregory with authority over all the British churches, and received the pall, a badge of ecclesiastical honor, from Rome.<sup>71</sup> Gregory also advised him not to be too much elated with his gift of working miracles;<sup>72</sup> and as Augustine, proud of the success of his mission, seemed to think himself entitled to extend his authority over the bishops of Gaul, the pope informed him that they lay entirely without the bounds of his jurisdiction.<sup>73</sup>

The marriage of Ethelbert with Bertha, and, much more his embracing Christianity, begat a connection of his subjects with the French, Italians, and other nations on the continent, and tended to reclaim them from that gross ignorance and barbarity, in which all the Saxon tribes had been hitherto involved.<sup>74</sup> Ethelbert also enacted,<sup>75</sup> with the consent of the states of his kingdom, a body of laws, the first written laws promulgated by any of the northern conquerors; and his reign was in every respect glorious to himself and beneficial to his people. He governed the kingdom of Kent fifty years; and dying in 616, left the succession to his son, Eadbald. This prince, seduced by a passion for his mother-in-law, deserted, for some time, the Christian faith, which permitted not these incestuous marriages: his whole people immediately returned with him to idolatry. Laurentius, the successor of Augustine found the Christian worship wholly abandoned, and was prepared to return to France, in order to escape the mortification of preaching the gospel without fruit to the infidels.

Mellitus and Justus, who had been consecrated bishops of London and Rochester, had already departed the kingdom,<sup>76</sup> when Laurentius, before he should entirely abandon his dignity, made one effort to reclaim the king. He appeared before that prince, and, throwing off his vestments, showed his body all torn with bruises and stripes which he had received. Eadbald, wondering that any man should have dared to treat in that manner a person of his rank, was told by Laurentius, that he had received this chastisement from St. Peter, the prince of the apostles, who had appeared to him in a vision, and severely reproving him for his intention to desert his charge, had inflicted on him these visible marks of his displeasure.<sup>77</sup> Whether Eadbald was struck with the miracle, or influenced by some other motive, he divorced himself from his mother-in-law, and returned to the profession of Christianity:<sup>78</sup> his whole people returned with him. Eadbald reached not the fame or authority of his father, and died in 640, after a reign of twenty-five years, leaving two sons, Erminfrid and Ercombert.

Ercombert, though the younger son, by Emma, a French princess, found means to mount the throne. He is celebrated by Bede for two exploits—for establishing the fast of Lent in his kingdom, and for utterly extirpating idolatry, which, notwithstanding the prevalence of Christianity, had hitherto been tolerated by the two preceding monarchs. He reigned twenty-four years, and left the crown to Egbert, his son, who reigned nine years. This prince is renowned for his encouragement of learning; but infamous for putting to death his two cousins-german, sons of Erminfrid, his uncle. The ecclesiastical writers praise him for his bestowing on his sister, Domnona, some lands in the Isle of Thanet, where she founded a monastery.

The bloody precaution of Egbert could not fix the crown on the head of his son Edric. Lothaire, brother of the deceased prince, took possession of the kingdom; and in order to secure the power in his family, he associated with him Richard, his son, in the administration of the government. Edric, the dispossessed prince, had recourse to Edilwach, king of Sussex, for assistance; and being supported by that prince, fought a battle with his uncle, who was defeated and slain. Richard fled into Germany, and afterwards died in Lucca, a city of Tuscany. William of



Malmsbury ascribes Lothaire's bad fortune to two crimes—his concurrence in the murder of his cousins, and his contempt for relics.<sup>79</sup>

Lothaire reigned eleven years; Edric, his successor, only two. Upon the death of the latter, which happened in 686 Widred, his brother, obtained possession of the crown. But as the succession had been of late so much disjointed by revolutions and usurpations, faction began to prevail among the nobility; which invited Cedwalla, king of Wessex, with his brother Mollo, to attack the kingdom. These invaders committed great devastations in Kent; but the death of Mollo, who was slain in a skirmish,<sup>80</sup> gave a short breathing time to that kingdom. Widred restored the affairs of Kent, and, after a reign of thirty-two years,<sup>81</sup> left the crown to his posterity. Eadbert, Ethelbert, and Alric, his descendants, successively mounted the throne. After the death of the last, which happened in 794, the royal family of Kent was extinguished; and every factious leader, who could entertain hopes of ascending the throne, threw the state into confusion.<sup>82</sup> Egbert, who first succeeded, reigned but two years; Cuthred, brother to the king of Mercia, six years; Baldred, an illegitimate branch of the royal family, eighteen; and after a troublesome and precarious reign, he was, in the year 823, expelled by Egbert, king of Wessex, who dissolved the Saxon Heptarchy, and united the several kingdoms under his dominion.

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<sup>55</sup> Chron. Sax. p. 21.]

<sup>56</sup> H. Hunting, lib ii.]

<sup>57</sup> Greg, of Tours, lib, ix. cap. 26. H. Hunting, lib. ii.]

<sup>58</sup> Bede, lib. i. cap. 25. Brompton, p. 729.]

<sup>59</sup> Bede, lib. ii. cap. 1. Spell. Concil. p. 91.]

<sup>60</sup> Bede, lib. i. cap. 23.]

<sup>61</sup> Greg. Epist. lib. ix. epist. 56. Spell. Concil. p. 82.]

<sup>62</sup> Higden Polychron. lib. v. Chron. Sax. p. 23.]

<sup>63</sup> Bede, lib. i. cap. 25. H. Hunting, lib. iii. Brompton, p. 729 Parker, Antiq. Brit. Eccel. p 61.]

<sup>64</sup> Bede, lib. i. cap. 25. Chron. W. Thorn, p. 1759.]

<sup>65</sup> Bede, lib. i. cap. 25. H. Hunting, lib. iii. Brompton, p. 729]

<sup>66</sup> Bede, lib. i. cap. 26.]

<sup>67</sup> Bede, cap 26. H. Hunting, lib. iii.]

<sup>68</sup> Concil, 785]

<sup>69</sup> Bede, lib. i. cap. 27. Spell. Concil. p. 97, 98, 99, &c.]

<sup>70</sup> Augustine asks, "Si mulier menstrua consuetudine tenetur, an ecclesiam intrare et licet, aut sacræ communionis sacramenta percipere?" Gregory answers, "Santæ communionis mysterium in eisdem diebus percipere non debet prohiberi. Si autem ex veneratione magna percipere non præsumitur, laudanda est." Augustine asks, "Si post illusionem, quæ par somnum solet accidere, vel corpus Domini quilibet accipere valeat; vel, si sacerdos sit, sacra mysteria celebrare?" Gregory answers this learned question by many learned distinctions.]

<sup>71</sup> Bede lib. i. cap. 30. Spell. Concil. p. 89. Greg. Epist. lib. ix. epist. 71.]

<sup>72</sup> Chron. Sax. p. 23,24.]

<sup>73</sup> H. Hunting, lib. iii. Spell. Concil. p. 83. Bede, lib. i. Greg Epist. lib. ix. epist. 60.]

<sup>74</sup> Bede, lib. i. cap. 27.]

<sup>75</sup> Wilkins, Leges Sax. p. 13.]

<sup>76</sup> Bede, lib. ii. cap 5.]

<sup>77</sup> Bede, lib. ii cap. 2. Chron. Sax. p. 26. Higden, lib. v]

<sup>78</sup> Brompton, p 739.]

<sup>79</sup> W. Malms, p. 11.]

<sup>80</sup> Higden, lib. v.]

<sup>81</sup> Chron. Sax. p. 52.]

<sup>82</sup> W. Malms, lib. i. cap. 1, p.11.]

## **THE KINGDOM OF NORTHUMBERLAND**

delfrid, king of Bernicia, having married Acca, the daughter of Ælla, king of Deïri, and expelled her infant brother, Edwin, had united all the

**A** counties north of Humber into one monarchy, and acquired a great ascendant in the Heptarchy. He also spread the terror of the Saxon arms to the neighboring people; and by his victories over the Scots and Picts, as well as Welsh, extended on all sides the bounds of his dominions. Having laid siege to Chester, the Britons marched out with all their forces to engage him; and they were attended by a body of twelve hundred and fifty monks from the monastery of Bangor, who stood at a small distance from the field of battle, in order to encourage the combatants by their presence and exhortations. Adelfrid, inquiring into the purpose of this unusual appearance, was told that these priests had come to pray against him: "Then are they as much our enemies," said he, "as those who intend to fight against us;"<sup>83</sup> and he immediately sent a detachment, who fell upon them, and did such execution, that only fifty escaped with their lives.<sup>84</sup> The Britons, astonished at this event, received a total defeat: Chester was obliged to surrender; and Adelfrid, pursuing his victory, made himself master of Bangor, and entirely demolished the monastery, a building so extensive, that there was a mile's distance from one gate of it to another; and it contained two thousand one hundred monks, who are said to have been there maintained by their own labor.<sup>85</sup> Notwithstanding Adelfrid's success in war, he lived in inquietude on account of young Edwin, whom he had unjustly dispossessed of the crown of Deiri. This prince, now grown to man's estate, wandered from place to place, in continual danger from the attempts of Adelfrid; and received at last protection in the court of Redwald, king of the East Angles; where his engaging and gallant deportment procured him general esteem and affection. Redwald, however, was strongly solicited, by the king of Northumberland, to kill or deliver up his guest: rich presents were promised him if he would comply, and war denounced against him in case of his refusal. After rejecting several messages of this kind, his generosity began to yield to the motives of interest; and he retained the last ambassador, till he should come to a resolution in a case of such importance. Edwin, informed of his friend's perplexity, was yet determined at all hazards to remain in East Anglia; and thought, that if the protection of that court failed him, it were better to die than prolong a life so much exposed to the persecutions of his powerful rival. This confidence in Redwald's honor and friendship, with his other accomplishments,

engaged the queen on his side; and she effectually represented to her husband the infamy of delivering up to certain destruction their royal guest, who had fled to them for protection against his cruel and jealous enemies.<sup>86</sup> Redwald, embracing more generous resolutions, thought it safest to prevent Adelfrid, before that prince was aware of his intention, and to attack him while he was yet unprepared for defence.

He marched suddenly with an army into the kingdom of Northumberland, and fought a battle with Adelfrid; in which that monarch was defeated and killed, after revenging himself by the death of Regner, son of Redwald.<sup>87</sup> His own sons, Eanfrid, Oswald, and Oswy, yet infants, were carried into Scotland; and Edwin obtained possession of the crown of Northumberland.

Edwin was the greatest prince of the Heptarchy in that age, and distinguished himself, both by his influence over the other kingdoms,<sup>88</sup> and by the strict execution of justice in his own dominions. He reclaimed his subjects from the licentious life to which they had been accustomed; and it was a common saying, that during his reign a woman or child might openly carry every where a purse of gold, without any danger of violence or robbery. There is a remarkable instance, transmitted to us, of the affection borne him by his servants. Cuichelme, king of Wessex, was his enemy; but finding himself unable to maintain open war against so gallant and powerful a prince, he determined to use treachery against him, and he employed one Eumer for that criminal purpose, The assassin, having obtained admittance, by pretending to deliver a message from Cuichelme, drew his dagger, and rushed upon the king. Lilla, an officer of his army, seeing his master's danger, and having no other means of defence, interposed with his own body between the king and Burner's dagger, which was pushed with such violence, that, after piercing Lilla, it even wounded Edwin; but before the assassin could renew his blow, he was despatched by the king's attendants.

The East Angles conspired against Redwald, their king; and having put him to death, they offered their crown to Edwin, of whose valor and capacity they had had experience, while he resided among them. But Edwin, from a sense of gratitude towards his benefactor, obliged them to submit to Earpwold, the son of Redwald; and that prince preserved his

authority, though on a precarious footing, under the protection of the Northumbrian monarch.<sup>89</sup>

Edwin, after his accession to the crown, married Ethelburga, the daughter of Ethelbert, king of Kent. This princess, emulating the glory of her mother, Bertha, who had been the instrument for converting her husband and his people to Christianity, carried Paullinus, a learned bishop, along with her;<sup>90</sup> and besides stipulating a toleration for the exercise of her own religion, which was readily granted her, she used every reason to persuade the king to embrace it. Edwin, like a prudent prince, hesitated on the proposal, but promised to examine the foundations of that doctrine, and declared that, if he found them satisfactory, he was willing to be converted.<sup>91</sup> Accordingly he held several conferences with Paullinus; canvassed the arguments propounded with the wisest of his counsellors; retired frequently from company, in order to revolve alone that important question; and, after a serious and long inquiry, declared in favor of the Christian religion;<sup>92</sup> the people soon after imitated his example. Besides the authority and influence of the king, they were moved by another striking example. Coifi, the high priest, being converted after a public conference with Paullinus, led the way in destroying the images, which he had so long worshipped, and was forward in making this atonement for his past idolatry.<sup>93</sup>

This able prince perished with his son Osfrid, in a great battle which he fought against Penda, king of Mercia, and Caedwalla, king of the Britons.<sup>94</sup> That event, which happened in the forty-eighth year of Edwin's age and seventeenth of his reign,<sup>95</sup> divided the monarchy of Northumberland, which that prince had united in his person. Eanfrid, the son of Adelfrid, returned with his brothers, Oswald and Oswy, from Scotland, and took possession of Bernicia, his paternal kingdom; Osric, Edwin's cousin-german, established himself in Deïri, the inheritance of his family, but to which the sons of Edwin had a preferable title. Eanfrid, the elder surviving son, fled to Penda, by whom he was treacherously slain. The younger son, Vusfraea, with Yffi, the grandson of Edwin, by Osfrid, sought protection in Kent, and not finding themselves in safety there, retired into France to King Dagobert, where they died.<sup>96</sup>

Osric, king of Deïri and Eanfrid of Bernicia, returned to paganism; and the whole people seem to have returned with them; since Paullinus, who was the first archbishop of York; and who had converted them, thought proper to retire with Ethelburga, the queen dowager, into Kent. Both these Northumbrian kings perished soon after, the first in battle against Caedwalla, the Briton; the second by the treachery of that prince. Oswald, the brother of Eanfrid, of the race of Bernicia, united again the kingdom of Northumberland in the year 634, and restored the Christian religion in his dominions. He gained a bloody and well-disputed battle against Caedwalla; the last vigorous effort which the Britons made against the Saxons. Oswald is much celebrated for his sanctity and charity by the monkish historians; and they pretend that his relics wrought miracles, particularly the curing of a sick horse, which had approached the place of his interment.<sup>97</sup>.....

He died in battle against Penda, king of Mercia, and was succeeded by his brother Oswy, who established himself in the government of the whole Northumbrian kingdom, by putting to death Oswin, the son of Osric, the last king of the race of Deïri. His son Egfrid succeeded him; who perishing in battle against the Picts, without leaving any children, because Adelthrid, his wife, refused to violate her vow of chastity, Alfred, his natural brother, acquired possession of the kingdom, which he governed for nineteen years; and he left it to Osred, his son, a boy of eight years of age. This prince, after a reign of eleven years, was murdered by Kenred, his kinsman, who, after enjoying the crown only a year, perished by a like fate. Osric, and after him Celwulph, the son of Kenred, next mounted the throne, which the latter relinquished in the year 738, in favor of Eadburt, his cousin-german, who, imitating his predecessor, abdicated the crown, and retired into a monastery. Oswulf, son of Eadburt, was slain in a sedition, a year after his accession to the crown; and Mollo, who was not of the royal family, seized the crown. He perished by the treachery of Ailred, a prince of the blood; and Ailred, having succeeded in his design upon the throne, was soon after expelled by his subjects. Ethelred, his successor, the son of Mollo, underwent a like fate. Celwold, the next king, the brother of Ailred, was deposed and slain by the people; and his place was filled by Osred, his nephew, who, after a short reign of a year, made way for Ethelbert, another son of Mollo whose death was equally tragical with that

of almost all his predecessors. After Ethelbert's death, a universal anarchy prevailed in Northumberland; and the people having, by so many fatal revolutions, lost all attachment to their government and princes, were well prepared for subjection to a foreign yoke; which Egbert, king of Wessex, finally imposed upon them.

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<sup>83</sup>..... Brompton, p. 779.]

<sup>84</sup>..... Trivet, apud Spell. Concil. p. 111.]

<sup>85</sup>..... Bede, lib. ii. cap. 2. W. Malms, lib. i. cap. 3.]

<sup>86</sup>..... W. Malms, lib. i. cap. 3. H. Hunting, lib. iii. Bede.]

<sup>87</sup>..... Bede, lib. ii. cap. 12. Bromton, p. 781.]

<sup>88</sup>..... Chron. Sax. p. 27.]

<sup>89</sup>..... W. Malms, lib. i. cap. 3]

<sup>90</sup>..... H. Hunting, lib. iii.]

<sup>91</sup>..... Bede, lib. ii. cap. 9.]

<sup>92</sup>..... Bede, lib. ii. cap. 9. W. Malms, lib. i. cap. 3.]

<sup>93</sup>..... Bede, lib. ii. cap. 13. Brompton, Higden, lib. v.]

<sup>94</sup>..... W. Malms, lib. i. cap. 3.]

<sup>95</sup>..... Bede, lib. ii, cap. 29.]

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<sup>97</sup>..... Bede, lib. iii. cap. 9.]

## THE KINGDOM OF EAST ANGLIA

**T**he history of this kingdom contains nothing memorable except the conversion of Earpwold, the fourth king, and great-grandson of Una, the founder of the monarchy. The authority of Edwin, king of Northumberland, on whom that prince entirely depended, engaged him to take this step; but soon after, his wife, who was an idolatress, brought him back to her religion; and he was found unable to resist those allurements

which have seduced the wisest of mankind. After his death, which was violent, like that of most of the Saxon princes that did not early retire into monasteries, Sigebert, his successor and half-brother, who had been educated in France, restored Christianity, and introduced learning among the East Angles. Some pretend that he founded the university of Cambridge, or rather some schools in that place. It is almost impossible, and quite needless, to be more particular in relating the transactions of the East Angles. What instruction or entertainment can it give the reader, to hear a long bead-roll of barbarous names, Egric, Annas, Ethelbert, Ethelwald, Aldulf, Elfwald, Beorne, Ethelred, Ethelbert, who successively murdered, expelled, or inherited from each other, and obscurely filled the throne of that kingdom? Ethelbert, the last of these princes, was treacherously murdered by Offa, king of Mercia, in the year 792, and his state was thenceforth united with that of Offa, as we shall relate presently.

### **THE KINGDOM OF MERCIA**

**M**ercia, the largest, if not the most powerful, kingdom of the Heptarchy, comprehended all the middle counties of England; and as its frontiers extended to those of all the other kingdoms, as well as to Wales, it received its name from that circumstance. Wibba, the son of Crida, founder of the monarchy, being placed on the throne by Ethelbert, king of Kent, governed his paternal dominions by a precarious authority; and after his death, Ceorl, his kinsman, was, by the influence of the Kentish monarch, preferred to his son Penda, whose turbulent character appeared dangerous to that prince. Penda was thus fifty years of age before he mounted the throne; and his temerity and restless disposition were found nowise abated by time, experience, or reflection. He engaged in continual hostilities against all the neighboring states; and, by his injustice and violence, rendered himself equally odious to his own subjects and to strangers. Sigebert, Egric, and Annas, three kings of East Anglia, perished successively in battle against him; as did also Edwin and Oswald, the two greatest princes that had reigned over Northumberland. At last Oswy, brother to Oswald, having defeated and slain him in a decisive battle, freed the world from this sanguinary tyrant. Peada, his son,



mounted the throne of Mercia in 655, and lived under the protection of Oswy, whose daughter he had espoused. This princess was educated in the Christian faith, and she employed her influence, with success, in converting her husband and his subjects to that religion. Thus the fair sex have had the merit of introducing the Christian doctrine into all the most considerable kingdoms of the Saxon Heptarchy. Peada died a violent death.<sup>98</sup> His son Wolfhere succeeded to the government; and, after having reduced to dependence the kingdoms of Essex and East Anglia, he left the crown to his brother Ethelred, who, though a lover of peace, showed himself not unfit for military enterprises. Besides making a successful expedition into Kent, he repulsed Egfrid, king of Northumberland, who had invaded his dominions; and he slew in battle Elswin, the brother of that prince. Desirous, however, of composing all animosities with Egfrid, he paid him a sum of money as a compensation for the loss of his brother. After a prosperous reign of thirty years, he resigned the crown to Kendred, son of Wolfhere, and retired into the monastery of Bardney.<sup>99</sup>

Kendred returned the present of the crown to Ceolred, the son of Ethelred; and making a pilgrimage to Rome, passed his life there in penance and devotion. The place of Ceolred was supplied by Ethelbald, great-grand-nephew to Penda, by Alwy, his brother; and this prince, being slain in a mutiny, was succeeded by Offa, who was a degree more remote from Penda, by Eawa, another brother.

This prince, who mounted the throne in 755,<sup>100</sup> had some great qualities, and was successful in his warlike enterprises against Lothaire, king of Kent, and Kenwulph, king of Wessex, He defeated the former in a bloody battle, at Otford upon the Darent, and reduced his kingdom to a state of dependence; he gained a victory over the latter at Bensington, in Oxfordshire; and conquering that county, together with that of Gloucester, annexed both to his dominions. But all these successes were stained by his treacherous murder of Ethelbert, king of the East Angles, and his violent seizing of that kingdom. This young prince, who is said to have possessed great merit, had paid his addresses to Elfrida, the daughter of Offa, and was invited with all his retinue to Hereford, in order to solemnize the nuptials: amidst the joy and festivity of these entertainments, he was seized by Offa, and secretly beheaded; and though Elfrida, who abhorred

her father's treachery, had time to give warning to the East Anglian nobility, who escaped into their own country, Offa, having extinguished the royal family, succeeded in his design of subduing that kingdom.<sup>101</sup> The perfidious prince, desirous of reestablishing his character in the world, and perhaps of appeasing the remorse of his own conscience, paid great court to the clergy, and practised all the monkish devotion so much esteemed in that ignorant and superstitious age. He gave the tenth of his goods to the church;<sup>102</sup> bestowed rich donations on the cathedral of Hereford, and even made a pilgrimage to Rome, where his great power and riches could not fail of procuring him the papal absolution. The better to ingratiate himself with the sovereign pontiff, he engaged to pay him a yearly donation for the support of an English college at Rome,<sup>103</sup> and in order to raise the sum, he imposed a tax of a penny on each house possessed of thirty pence a year. This imposition, being afterwards levied on all England, was commonly denominated *Peter's pence*;<sup>104</sup> and though conferred at first as a gift, was afterwards claimed as a tribute by the Roman pontiff.

Carrying his hypocrisy still further, Offa, feigning to be directed by a vision from heaven, discovered at Verulam the relics of St Alban, the martyr, and endowed a magnificent monastery in that place.<sup>105</sup> Moved by all these acts of piety, Malmsbury, one of the best of the old English historians, declares himself at a loss to determine<sup>106</sup> whether the merits or crimes of this prince preponderated. Offa died, after a reign of thirty-nine years, in 794.<sup>107</sup>

This prince was become so considerable in the Heptarchy, that the emperor Charlemagne entered into an alliance and friendship with him; a circumstance which did honor to Offa; as distant princes at that time had usually little communication with each other. That emperor being a great lover of learning and learned men, in an age very barren of that ornament, Offa, at his desire, sent him over Alcuin, a clergyman much celebrated for his knowledge, who received great honors from Charlemagne, and even became his preceptor in the sciences. The chief reason why he had at first desired the company of Alcuin, was that he might oppose his learning to the heresy of Felix, bishop of Urgel, in Catalonia; who maintained that Jesus Christ, considered in his human nature, could more properly be

denominated the adoptive than the natural son of God.<sup>108</sup> This heresy was condemned in the council of Francfort, held in 794, and consisting of three hundred bishops. Such were the questions which were agitated in that age, and which employed the attention not only of cloistered scholars, but of the wisest and greatest princes.<sup>109</sup>

Egfrith succeeded to his father Offa, but survived him only five months;<sup>110</sup> when he made way for Kenulph, a descendant of the royal family. This prince waged war against Kent, and taking Egbert, the king, prisoner, he cut off his hands, and put out his eyes; leaving Cuthred, his own brother, in possession of the crown of that kingdom. Kenulph was killed in an insurrection of the East Anglians, whose crown his predecessor, Offa, had usurped. He left his son Kenelm, a minor; who was murdered the same year by his sister Quendrade, who had entertained the ambitious views of assuming the government.<sup>111</sup>

But she was supplanted by her uncle Ceolulf; who, two years after, was dethroned by Beornulf The reign of this usurper, who was not of the royal family, was short and unfortunate; he was defeated by the West Saxons, and killed by his own subjects, the East Angles.<sup>112</sup> Ludican, his successor, underwent the same fate;<sup>113</sup> and Wiglaff, who mounted this unstable throne, and found everything in the utmost confusion, could not withstand the fortune of Egbert, who united all the Saxon kingdoms into one great monarchy.

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<sup>98</sup> Hugo Candidas (p. 4) says, that he was treacherously murdered by his queen, by whose persuasion he had embraced Christianity; but this account of the matter is found in that historian alone.]

<sup>99</sup> Bede, lib. v.]

<sup>100</sup> Chron. Sax. p. 59.]

<sup>101</sup> Brompton, p. 750, 751, 752.]

<sup>102</sup> Spell. Concil. p. 308. Brompton, p. 776.]

<sup>103</sup> Spell. Concil. p. 230, 310, 312.]

<sup>104</sup> Higden, lib 5.

<sup>105</sup> Ingulph. p. 5. W. Malms, lib. i. cap. 4.]

<sup>106</sup> Lib. i. cap. 4.]

<sup>107</sup> Chron. Sax. p. 65.]

<sup>108</sup> Dupin, cent. viii. chap. 4].

<sup>109</sup> Offa, in order to protect his country from Wales, drew a rampart or ditch of a hundred miles in length, from Basinwerke in Flintshire to the south sea near Bristol. See Speed's Description of Wales.]

<sup>110</sup> Ingulph. p. 6]

<sup>111</sup> Ingulph, p. 7. Brompton, p. 776.]

<sup>112</sup> Ingulph. p. 7.]

<sup>113</sup> Alured. Beverl. p. 87.]

## THE KINGDOM OF ESSEX.

**T**his kingdom made no great figure in the Heptarchy; and the history of it is very imperfect. Sleda succeeded to his father, Erkinwin, the founder of the monarchy; and made way for his son Sebert, who, being nephew to Ethelbert, king of Kent, was persuaded by that prince to embrace the Christian faith.<sup>114</sup> His sons and conjunct successors, Sexted and Seward, relapsed into idolatry, and were soon after slain in a battle against the West Saxons. To show the rude manner of living in that age, Bede tells us,<sup>115</sup> that these two kings expressed great desire to eat the white bread, distributed by Mellitus, the bishop, at the communion.<sup>116</sup> But on his refusing them, unless they would submit to be baptized, they expelled him their dominions. The names of the other princes, who reigned successively in Essex, are Sigebert the little, Sigebert the good, who restored Christianity, Swithelm, Sigheri, Offa. This last prince, having made a vow of chastity, notwithstanding his marriage with Keneswitha, a Mercian princess, daughter to Penda, went in pilgrimage to Rome, and shut himself up during the rest of his life in a cloister. Selred, his successor, reigned thirty-eight years; and was the last of the royal line; the failure of which threw the kingdom into great confusion, and reduced it to dependence under Mercia.<sup>117</sup> Switherd first acquired the crown, by the concession of

the Mercian princes; and his death made way for Sigeric, who ended his life in a pilgrimage to Rome. His successor, Sigered, unable to defend his kingdom, submitted to the victorious arms of Egbert.

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<sup>114</sup>..... Chron. Sax. p. 24].

<sup>115</sup>..... Lib. ii. cap. 5.]

<sup>116</sup>..... 743. Bede.]

<sup>117</sup>..... W Malms, lib. i. cap. 6.]

### THE KINGDOM OF SUSSEX.

**T**he history of this kingdom, the smallest in the Heptarchy, is still more imperfect than that of Essex. Ælla, the founder of the monarchy, left the crown to his son Cissa, who is chiefly remarkable for his long reign of seventy-six years. During his time, the South Saxons fell almost into a total dependence on the kingdom of Wessex; and we scarcely know the names of the princes who were possessed of this titular sovereignty. Adelwalch, the last of them, was subdued in battle by Ceadwalla, king of Wessex, and was slain in the action; leaving two infant sons, who, falling into the hand of the conqueror, were murdered by him. The abbot of Bedford opposed the order for this execution; but could only prevail on Ceadwalla to suspend it till they should be baptized. Bercthun and Audhum, two noblemen of character, resisted some time the violence of the West Saxons; but their opposition served only to prolong the miseries of their country; and the subduing of this kingdom was the first step which the West Saxons made towards acquiring the sole monarchy of England.<sup>118</sup>

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<sup>118</sup>..... Brompton, p. 800.]

## THE KINGDOM OF WESSEX.

**T**he kingdom of Wessex, which finally swallowed up all the other Saxon states, met with great resistance on its first establishment; and the Britons, who were now inured to arms, yielded not tamely their possessions to those invaders. Cerdic, the founder of the monarchy, and his son Kenric, fought many successful, and some unsuccessful battles, against the natives; and the martial spirit, common to all the Saxons, was, by means of these hostilities, carried to the greatest height among this tribe. Ceaulin, who was the son and successor of Kenric, and who began his reign in 560, was still, more ambitious and enterprising than his predecessors; and by waging continual war against the Britons, he added a great part of the counties of Devon and Somerset to his other dominions. Carried along by the tide of success, he invaded the other Saxon states in his neighborhood, and becoming terrible to all, he provoked a general confederacy against him. This alliance proved successful under the conduct of Ethelbert, king of Kent; and Ceaulin, who had lost the affections of his own subjects by his violent disposition, and had now fallen into contempt from his misfortunes, was expelled the throne,<sup>119</sup> and died in exile and misery. Cuichelme, and Cuthwin, his sons, governed jointly the kingdom, till the expulsion of the latter in 591, and the death of the former in 593, made way for Cealric, to whom succeeded Ceobaíd in 593, by whose death, which happened in 611, Kynegils inherited the crown.

This prince embraced Christianity,<sup>120</sup> through the persuasion of Oswald, king of Northumberland, who had married his daughter, and who had attained a great ascendant in the Heptarchy. Kenwalch next succeeded to the monarchy, and dying in 672, left the succession so much disputed, that Sexburga, his widow, a woman of spirit,<sup>121</sup> kept possession of the government till her death, which happened two years after. Escwin then peaceably acquired the crown; and, after a short reign of two years, made way for Kentwin, who governed nine years. Ceodwalla, his successor, mounted not the throne without opposition; but proved a great prince, according to the ideas of those times; that is, he was enterprising, warlike, and successful. He entirely subdued the kingdom of Sussex, and annexed it to his own dominions. He made inroads into Kent; but met with resistance

from Widred, the king, who proved successful against Mollo, brother to Ceodwalla, and slew him in a skirmish. Ceodwalla at last, tired with wars and bloodshed, was seized with a fit of devotion; bestowed several endowments on the church; and made a pilgrimage to Rome, where he received baptism, and died in 689. Ina, his successor, inherited the military virtues of Ceodwalla, and added to them the more valuable ones of justice, policy, and prudence. He made war upon the Britons in Somerset; and, having finally subdued that province, he treated the vanquished with a humanity hitherto unknown to the Saxon conquerors. He allowed the proprietors to retain possession of their lands, encouraged marriages and alliances between them and his ancient subjects, and gave them the privilege of being governed by the same laws. These laws he augmented and ascertained; and though he was disturbed by some insurrections at home, his long reign of thirty-seven years may be regarded as one of the most glorious and most prosperous of the Heptarchy. In the decline of his age he made a pilgrimage to Rome; and after his return, shut himself up in a cloister, where he died.

Though the kings of Wessex had always been princes of the blood, descended from Cerdic, the founder of the monarchy, the order of succession had been far from exact; and a more remote prince had often found means to mount the throne, in preference to one descended from a nearer branch of the royal family. Ina, therefore, having no children of his own and lying much under the influence of Ethelburga, his queen, left by will the succession to Adelard, her brother, who was his remote kinsman; but this destination did not take place without some difficulty. Oswald, a prince more nearly allied to the crown, took arms against Adelard; but he being suppressed, and dying soon after, the title of Adelard was not any further disputed; and in the year 741, he was succeeded by his cousin Cudred. The reign of this prince was distinguished by a great victory, which he obtained by means of Edelhun, his general, over Ethelbald, king of Mercia. His death made way for Sigebert, his kinsman, who governed so ill, that his people rose in an insurrection, and dethroned him, crowning Cenulph in his stead. The exiled prince found a refuge with Duke Cumbran, governor of Hampshire; who, that he might add new obligations to Sigebert, gave him many salutary counsels for his future conduct, accompanied with some reprehensions for the past. But these were so

much resented by the ungrateful prince, that he conspired against the life of his protector, and treacherously murdered him. After this infamous action, he was forsaken by all the world; and skulking about in the wilds and forests, was at last discovered by a servant of Cumbran's, who instantly took revenge upon him for the murder of his master.<sup>122</sup>

Cenulph, who had obtained the crown on the expulsion of Sigebert, was fortunate in many expeditions against the Britons of Cornwall; but afterwards lost some reputation by his ill success against Offa, king of Mercia.<sup>123</sup> Kynehard also, brother to the deposed Sigebert, gave him disturbance; and though expelled the kingdom, he hovered on the frontiers, and watched an opportunity for attacking his rival. The king had an intrigue with a young woman, who lived at Merton, in Surrey, whither having secretly retired, he was on a sudden environed, in the night time, by Kynehard and his followers, and after making a vigorous resistance, was murdered, with all his attendants. The nobility and people of the neighborhood, rising next day in arms, took revenge on Kynehard for the slaughter of their king, and put every one to the sword who had been engaged in that criminal enterprise. This event happened in 784.

Brithric next obtained possession of the government, though remotely descended from the royal family; but he enjoyed not that dignity without inquietude. Eoppa, nephew to King Ina, by his brother Ingild, who died before that prince, had begot Eata, father to Alchmond, from whom sprung Egbert,<sup>124</sup> a young man of the most promising hopes, who gave great jealousy to Brithric, the reigning prince, both because he seemed by his birth better entitled to the crown, and because he had acquired, to an eminent degree, the affections of the people. Egbert, sensible of his danger from the suspicions of Brithric, secretly withdrew into France;<sup>125</sup> where he was well received by Charlemagne. By living in the court, and serving in the armies of that prince, the most able and most generous that had appeared in Europe during several ages, he acquired those accomplishments which afterwards enabled him to make such a shining figure on the throne. And familiarizing himself to the manners of the French, who, as Malmsbury observes,<sup>126</sup> were eminent both for valor and civility above all the western nations, he learned to polish the rudeness and



barbarity of the Saxon character: his early misfortunes thus proved of singular advantage to him.

It was not long ere Egbert had opportunities of displaying his natural and acquired talents. Brithric, king of Wessex, had married Eadburga, natural daughter of Offa, king of Mercia, a profligate woman, equally infamous for cruelty and for incontinence. Having great influence over her husband, she often instigated him to destroy such of the nobility as were obnoxious to her; and where this expedient failed, she scrupled not being herself active in traitorous attempts against them. She had mixed a cup of poison for a young nobleman, who had acquired her husband's friendship, and had on that account become the object of her jealousy; but unfortunately the king drank of the fatal cup along with his favorite, and soon after expired.<sup>127</sup> This tragical incident, joined to her other crimes, rendered Eadburga so odious, that she was obliged to fly into France; whence Egbert was at the same time recalled by the nobility, in order to ascend the throne of his ancestors.<sup>128</sup> He attained that dignity in the last year of the eighth century.

In the kingdoms of the Heptarchy, an exact rule of succession was either unknown or not strictly observed; and thence the reigning prince was continually agitated with jealousy against all the princes of the blood, whom he still considered as rivals, and whose death alone could give him entire security in his possession of the throne. From this fatal cause, together with the admiration of the monastic life, and the opinion of merit attending the preservation of chastity even in a married state, the royal families had been entirely extinguished in all the kingdoms except that of Wessex; and the emulations, suspicions, and conspiracies, which had formerly been confined to the princes of the blood alone, were now diffused among all the nobility in the several Saxon states. Egbert was the sole descendant of those first conquerors who subdued Britain, and who enhanced their authority by claiming a pedigree from Woden, the supreme divinity of their ancestors. But that prince, though invited by this favorable circumstance to make attempts on the neighboring Saxons, gave them for some time no disturbance, and rather chose to turn his arms against the Britons in Cornwall, whom he defeated in several battles.<sup>129</sup> He was

recalled from the conquest of that country by an invasion made upon his dominions by Bernulf, king of Mercia.

The Mercians, before the accession of Egbert, had very nearly attained the absolute sovereignty in the Heptarchy: they had reduced the East Angles under subjection, and established tributary princes in the kingdoms of Kent and Essex. Northumberland was involved in anarchy; and no state of any consequence remained but that of Wessex, which, much inferior in extent to Mercia, was supported solely by the great qualities of its sovereign. Egbert led his army against the invaders; and encountering them at Ellandun, in Wiltshire, obtained a complete victory, and by the great slaughter which he made of them in their flight, gave a mortal blow to the power of the Mercians. Whilst he himself, in prosecution of his victory, entered their country on the side of Oxfordshire, and threatened the heart of their dominions, he sent an army into Kent, commanded by Ethelwolph, his eldest son,<sup>130</sup> and, expelling Baldred. The tributary king, soon made himself master of that county.

The kingdom of Essex was conquered with equal facility; and the East Angles, from their hatred to the Mercian government, which had been established over them by treachery and violence, and probably exercised with tyranny, immediately rose in arms, and craved the protection of Egbert.<sup>131</sup> Bernulf, the Mercian king, who marched against them, was defeated and slain; and two years after, Ludican, his successor, met with the same fate. These insurrections and calamities facilitated the enterprises of Egbert, who advanced into the centre of the Mercian territories, and made easy conquests over a dispirited and divided people. In order to engage them more easily to submission, he allowed Wiglaf, their countryman, to retain the title of king, whilst he himself exercised the real powers of sovereignty.<sup>132</sup> The anarchy which prevailed in Northumberland tempted him to carry still farther his victorious arms; and the inhabitants, unable to resist his power, and desirous of possessing some established form of government, were forward, on his first appearance, to send deputies, who submitted to his authority, and swore allegiance to him as their sovereign. Egbert, however, still allowed to Northumberland, as he had done to Mercia, and East Anglia, the power of electing a king, who paid him tribute, and was dependent on him.

Thus were united all the kingdoms of the Heptarchy in one great state, near four hundred years after the first arrival of the Saxons in Britain; and the fortunate arms and prudent policy of Egbert at last effected what had been so often attempted in vain by so many princes.<sup>133</sup> Kent, Northumberland, and Mercia, which had successively aspired to general dominion, were now incorporated in his empire; and the other subordinate kingdoms seemed willingly to share the same fate. His territories were nearly of the same extent with what is now properly called England; and a favorable prospect was afforded to the Anglo-Saxons of establishing a civilized monarchy, possessed of tranquillity within itself, and secure against foreign invasion. This great event happened in the year 827.<sup>134</sup>

The Saxons, though they had been so long settled in the island, seem not as yet to have been much improved beyond their German ancestors, either in arts, civility, knowledge, humanity, justice, or obedience to the laws. Even Christianity, though it opened the way to connections between their and the more polished states of Europe, had not hitherto been very effectual in banishing their ignorance, or softening their barbarous manners. As they received that doctrine through the corrupted channels of Rome, it carried along with it a great mixture of credulity and superstition, equally destructive to the understanding and to morals. The reverence towards saints and relics seems to have almost supplanted the idolatry of the Supreme Being; monastic observances were esteemed more meritorious than the active virtues; the knowledge of natural causes was neglected, from the universal belief of miraculous interpositions and judgments; bounty to the church atoned for every violence against society; and the remorse for cruelty, murder, treachery, assassination, and the more robust vices, were appeased, not by amendment of life, but by penances, servility to the monks, and an abject and illiberal devotion.<sup>135</sup> The reverence for the clergy had been carried to such a height, that, wherever a person appeared in a sacerdotal habit, though on the highway, the people flocked around him, and, showing him all marks of profound respect, received every word he uttered as the most sacred oracle.<sup>136</sup> Even the military virtues, so inherent in all the Saxon tribes, began to be neglected; and the nobility, preferring the security and sloth of the cloister to the tumults and glory of war, valued themselves chiefly on endowing

monasteries, of which they assumed the government.<sup>137</sup> The several kings too, being extremely impoverished by continual benefactions to the church, to which the states of their kingdoms had weakly assented, could bestow no rewards on valor or military services, and retained not even sufficient influence to support their government.<sup>138</sup>

Another inconvenience which attended this corrupt species of Christianity, was the superstitious attachment to Rome, and the gradual subjection of the kingdom to a foreign jurisdiction. The Britons, having never acknowledged any subordination to the Roman pontiff, had conducted all ecclesiastical government by their domestic synods and councils;<sup>139</sup> but the Saxons, receiving their religion from Roman monks, were taught at the same time a profound reverence for that see, and were naturally led to regard it as the capital of their religion. Pilgrimages to Rome were represented as the most meritorious acts of devotion. Not only noblemen and ladies of rank undertook this tedious journey,<sup>140</sup> but kings themselves, abdicating their crowns, sought for a secure passport to heaven at the feet of the Roman pontiff. New relics, perpetually sent from that endless mint of superstition, and magnified by lying miracles, invented in convents, operated on the astonished minds of the multitude. And every prince has attained the eulogies of the monks, the only historians of those ages, not in proportion to his civil and military virtues, but to his devoted attachment towards their order, and his superstitious reverence for Rome.

The sovereign pontiff, encouraged by this blindness and submissive disposition of the people, advanced every day in his encroachments on the independence of the English churches. Wilfrid, bishop of Lindisferne, the sole prelate of the Northumbrian kingdom, increased this subjection in the eighth century, by his making an appeal to Rome against the decisions of an English synod, which had abridged his diocese by the erection of some new bishoprics.<sup>141</sup> Agatho, the pope, readily embraced this precedent of an appeal to his court; and Wilfrid, though the haughtiest and most luxurious prelate of his age,<sup>142</sup> having obtained with the people the character of sanctity, was thus able to lay the foundation of this papal pretension.

The great topic by which Wilfrid confounded the imaginations of men, was, that St. Peter, to whos custody the keys of heaven were intrusted,

would certainly refuse admittance to every one who should be wanting in respect to his successor, This conceit, well suited to vulgar conceptions, made great impression on the people during several ages, and has act even at present lost all influence in the Catholic countries. Had this abject superstition produced general peace and tranquillity, it had made some atonement for the ills attending it; but besides the usual avidity of men for power and riches, frivolous controversies in theology were engendered by it, which were so much the more fatal, as they admitted not, like the others, of any final determination from established possession. The disputes, excited in Britain, were of the most ridiculous kind, and entirely worthy of those ignorant and barbarous ages. There were some intricacies, observed by all the Christian churches, in adjusting the day of keeping Easter; which depended on a complicated consideration of the course of the sun and moon; and it happened that the missionaries, who had converted the Scots and Britons, had followed a different calendar from that which was observed at Rome, in the age when Augustine converted the Saxons. The priests also of all the Christian churches were accustomed to shave part of their head; but the form given to this tonsure was different in the former from what was practised in the latter. The Scots and Britons pleaded the antiquity of *their* usages; the Romans and their disciples, the Saxons, insisted on the universality of *theirs*. That Easter must necessarily be kept by a rule, which comprehended both the day of the year and age of the moon, was agreed by all; that the tonsure of a priest could not be omitted without the utmost impiety, was a point undisputed; but the Romans and Saxons called their antagonists schismatics, because they celebrated Easter on the very day of the full moon in March, if that day fell on a Sunday, instead of waiting till the Sunday following; and because they shaved the fore part of their head from ear to ear, instead of making that tonsure on the crown of the head, and in a circular form. In order to render their antagonists odious, they affirmed that, once in seven years, they concurred with the Jews in the time of celebrating that festival;<sup>143</sup> and that they might recommend their own form of tonsure, they maintained, that it imitated symbolically the crown of thorns worn by Christ in his passion; whereas the other form was invented by Simon Magus, without any regard to that representation.<sup>144</sup>

These controversies had, from the beginning, excited such animosity between the British and Romish priests that, instead of concurring in their endeavors to convert the idolatrous Saxons, they refused all communion together, and each regarded his opponent as no better than a pagan.<sup>145</sup> The dispute lasted more than a century; and was at last finished, not by men's discovering the folly of it, which would have been too great an effort for human reason to accomplish, but by the entire prevalence of the Romish ritual over the Scotch and British.<sup>146</sup> Wilfrid, bishop of Lindisferne, acquired great merit, both with the court of Rome and with all the southern Saxons, by expelling the quartodeciman schism, as it was called, from the Northumbrian kingdom, into which the neighborhood of the Scots had formerly introduced it.<sup>147</sup>

Theodore, archbishop of Canterbury, called, in the year 680, a synod at Hatfield, consisting of all the bishops in Britain,<sup>148</sup> where was accepted and ratified the decree of the Lateran council, summoned by Martin, against the heresy of the Monothelites. The council and synod maintained, in opposition to these heretics, that, though the divine and human nature in Christ made but one person, yet had they different inclinations, wills, acts, and sentiments, and that the unity of the person implied not any unity in the consciousness.<sup>149</sup> This opinion it seems somewhat difficult to comprehend; and no one, unacquainted with the ecclesiastical history of those ages, could imagine the height of zeal and violence with which it was then inculcated. The decree of the Lateran council calls the Monothelites impious, execrable, wicked, abominable, and even diabolical; and curses and anathematizes them to all eternity.<sup>150</sup>

The Saxons, from the first introduction of Christianity among them, had admitted the use of images; and perhaps that religion, without some of those exterior ornaments, had not made so quick a progress with these idolaters; but they had not paid any species of worship or address to images; and this abuse never prevailed among Christians, till it received the sanction of the second council of Nice.

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<sup>119</sup> Chron. Sax. p. 22.]

<sup>120</sup> Higden, lib. v. Chron. Sax. p. 15. Alured Beverl p. 94.]

<sup>121</sup> Bede, lib. iv. cap., 12. Chron. Sax. p. 41.]

.....<sup>122</sup> Higden, lib. 5. W. Malmes, lib. i. cap. 2.]

.....<sup>123</sup> W. Malmes, lib. i. cap. 2.]

.....<sup>124</sup> Chron. Sax. p. 16.]

.....<sup>125</sup> H. Hunting. lib. iv.]

.....<sup>126</sup> Lib. ii. cap. 11.]

.....<sup>127</sup> Higden, lib. v. M West. p. 152. Asser. in vita Alfiredi, p, 3. ex edit, Camdeni.]

.....<sup>128</sup> Chron. Sax. A.D. 800. Brompton, p. 801.

.....<sup>129</sup> Chron. Sax. p. 69.]

.....<sup>130</sup> Ethelwerd, lib iii. cap. 2.]

.....<sup>131</sup> Ethelwerd, lib. iii. cap. 3.]

.....<sup>132</sup> Ingulph. p. 7, 8, 10.]

.....<sup>133</sup> Chron. Sax. p. 71.]

.....<sup>134</sup> Chron. Sax. p. 71.]

.....<sup>135</sup> These abuses were common to all the European churches; but the priests in Italy, Spain, and Gaul, made some atonement for them by other advantages which they rendered society. For several ages, they were almost all Romans, or, in other words, the ancient natives; and they preserved the Roman language and laws, with some remains of the former civility. But the priests in the Heptarchy, after the first missionaries, were wholly Saxons, and almost as ignorant and Barbarous as the laity. They contributed, therefore, little to no improvement of society in knowledge or the arts.]

.....<sup>136</sup> Bede, lib. iii. cap. 26.]

.....<sup>137</sup> Bede, lib. v. cap. 23. Epistola Bedae ad Egbert.]

.....<sup>138</sup> Bedae Epist. ad Egbert.]

.....<sup>139</sup> Append. to Bede, numb. 10, ex edit. 1722. Spelm. Concil p.108, 109.]

.....<sup>140</sup> Bede. lib. v. cap. 7.]

.....<sup>141</sup> See Appendix to Bede, numb. 19. Higden, lib. v.]

.....<sup>142</sup> Eddius, vita Vilfr. sect. 24, 60]

.....<sup>143</sup> Bede, lib. ii. cap. 19.]

.....<sup>144</sup> Bede, lib. v. cap. 21. Eddius, sect. 24]

.....<sup>145</sup> Bede, lib. ii. cap. 2, 4, 20. Eddius, sect. 12.]

.....<sup>146</sup> Bede, lib. v. cap. 16, 22.]

.....<sup>147</sup> Bede, lib. iii. cap. 25. Eddius, sect. 12.]

.....<sup>148</sup> Spell. Concil. vol. i. p. 168.]

.....<sup>149</sup> Spell. Concil. vol. i. p. 171.]

.....<sup>150</sup> Spell. Concil. vol. i. p. 172, 173, 174.]





## CHAPTER 2.

### EGBERT.

The kingdoms of the Heptarchy, though united by a recent conquest, <sup>827.</sup> seemed to be firmly cemented into one state under Egbert; and the inhabitants of the several provinces had lost all desire of revolting from that monarch, or of restoring their former independent governments. Their language was every where nearly the same, their customs, laws, institutions, civil and religious; and as the race of the ancient kings was totally extinct in all the subjected states, the people readily transferred their allegiance to a prince who seemed to merit it by the splendor of his victories, the vigor of his administration, and the superior nobility of his birth. A union also in government opened to them the agreeable prospect of future tranquillity; and it appeared more probable that they would thenceforth become formidable to their neighbors, than be exposed to their inroads and devastations. But these flattering views were soon overcast by the appearance of the Danes, who, during some centuries, kept the Anglo-Saxons in perpetual inquietude, committed the most barbarous ravages upon them, and at last reduced them to grievous servitude.

The emperor Charlemagne, though naturally generous and humane, had been induced by bigotry to exercise great severities upon the pagan Saxons in Germany, whom he subdued; and besides often ravaging their country with fire and sword, he had, in cool blood, decimated all the inhabitants for their revolts, and had obliged them, by the most rigorous edicts, to make a seeming compliance with the Christian doctrine. That religion, which had easily made its way among the British Saxons by insinuation and address, appeared shocking to their German brethren, when imposed on them by the violence of Charlemagne; and the more generous and warlike of these pagans had fled northward into Jutland, in order to escape the fury of his persecutions. Meeting there with a people of similar manners, they were readily received among them; and they soon stimulated the natives to concur in enterprises which both promised revenge on the haughty conqueror, and afforded subsistence to those numerous inhabitants with which the northern countries were now

overburdened.<sup>1</sup> They invaded the provinces of France, which were exposed by the degeneracy and dissensions of Charlemagne's posterity; and being there known under the general name of Normans, which they received from their northern situation, they became the terror of all the maritime and even of the inland countries. They were also tempted to visit England in their frequent excursions; and being able, by sudden inroads, to make great progress over a people who were not defended by any naval force, who had relaxed their military institutions, and who were sunk into a superstition which had become odious to the Danes and ancient Saxons, they made no distinction in their hostilities between the French and English kingdoms. Their first appearance in this island was in the year 787,<sup>2</sup> when Brithric reigned in Wessex. A small body of them landed in that kingdom, with a view of learning the state of the country; and when the magistrate of the place questioned them concerning their enterprise, and summoned them to appear before the king, and account for their intentions, they killed him, and, flying to, their ships, escaped into their own country. The next alarm was given to Northumberland in the year 794,<sup>3</sup> when a body of these pirates pillaged a monastery; but their ships being much damaged by a storm, and their leader slain in a skirmish, they were at last defeated by the inhabitants, and the remainder of them put to the sword. Five years after Egbert had established his monarchy over <sup>832</sup> England, the Danes landed in the Isle of Shepey, and having pillaged it, escaped with impunity.<sup>4</sup> They were not so fortunate in their next year's enterprise, when they disembarked from thirty-five ships, and were encountered by Egbert, at Charmouth, in Dorsetshire. The battle was bloody; but though the Danes lost great numbers, they maintained the post which they had taken, and thence made good their retreat to their ships.<sup>5</sup>

Having learned, by experience, that they must expect a vigorous resistance from this warlike prince, they entered into an alliance with the Britons of Cornwall; and, landing two years after in that country, made an inroad with their confederates into the county of Devon, but were met at Hengesdown by Egbert, and totally defeated.<sup>6</sup> While England remained in this state of anxiety, and defended itself more by temporary expedients than by any regular plan of administration, Egbert, who alone was able to

provide effectually against this new evil, unfortunately died, and left the government to his son Ethelwolf.

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<sup>1</sup> Ypod. Neustria p. 414.]

<sup>2</sup> Chron. Sax. p. 64.]

<sup>3</sup> Chron. Sax. p. 66. Alured. Beveri. p. 108.]

<sup>4</sup> Chron. Sax. p. 72.]

<sup>5</sup> Ibid, Ethelward, lib. 3. cap. 2.

<sup>6</sup> Chron. Sax. p. 72. cap. 2.]

### **ETHELWOLF.**

**T**his prince had neither the abilities nor the vigor of his father, and was better qualified for governing a convent than a kingdom.<sup>7</sup> He began his reign with making a partition of his dominions, and delivering over to his eldest son, Athelstan, the new-conquered provinces of Essex, Kent, and Sussex. But no inconveniences seem to have arisen from this partition as the continual terror of the Danish invasions prevented all domestic dissension. A fleet of these ravagers, consisting of thirty-three sail, appeared at Southampton, but were repulsed with loss by Wolthere, governor of the neighboring country.<sup>8</sup> The same year, Æthelhelm, governor of Dorsetshire, routed another band, which had disembarked at Portsmouth; but he obtained the victory after a furious engagement, and he bought it with the loss of his life.<sup>9</sup>

Next year, the Danes made several inroads into England, and fought battles, or rather skirmishes, in East Anglia and Lindesey and Kent; where, though they were sometimes repulsed and defeated, they always obtained their end, of committing spoil upon the country, and carrying off their booty. They avoided coming to a general engagement, which was not suited to their plan of operations. Their vessels were small, and ran easily up the creeks and rivers, where they drew them ashore, and, having formed an intrenchment round them, which they guarded with part of

their number, the remainder scattered themselves every where, and carrying off the inhabitants, and cattle, and goods, they hastened to their ships, and quickly disappeared. If the military force of the county were assembled, (for there was no time for troops to march from a distance,) the Danes either were able to repulse them, and to continue their ravages with impunity, or they betook themselves to their vessels, and, setting sail, suddenly invaded some distant quarter, which was not prepared for their reception.

Every part of England was held in continual alarm; and the inhabitants of one county durst not give assistance to those of another, lest their own families and property should in the mean time be exposed by their absence to the fury of these barbarous ravagers.<sup>10</sup>

All orders of men were involved in this calamity; and the priests and monks, who had been commonly spared in the domestic quarrels of the Heptarchy, were the chief objects on which the Danish idolaters exercised their rage and animosity. Every season of the year was dangerous, and the absence of the enemy was no reason why any man could esteem himself a moment in safety.

These incursions had now become almost annual; when the Danes, encouraged by their successes against France as well as England, (for both kingdoms were alike exposed to this dreadful calamity,) invaded the last in so numerous a body as seemed to threaten it with universal subjection. But the English, more military than the Britons, whom a few centuries before they had treated with like violence, roused themselves with a vigor proportioned to the exigency. Ceorle, governor of Devonshire, fought a battle with one body of the Danes at Wiganburgh,<sup>11</sup> and put them to rout with great slaughter.

King Athelstan attacked another at sea, near Sandwich, sunk nine of their ships, and put the rest to flight.<sup>12</sup>

A body of them, however, ventured, for the first time, to take up winter quarters in England; and receiving in the spring a strong reënförment of their countrymen, in three hundred and fifty vessels, they advanced from the Isle of Thanet, where they had stationed themselves, burnt the cities of London and Canterbury, and having put to flight Brictric, who now governed Mercia under the title of king, they

marched into the heart of Surrey, and laid every place waste around them. Ethelwolf, impelled by the urgency of the danger, marched against them at the head of the West Saxons; and, carrying with him his second son, Ethelbald, gave them battle at Okely, and gained a bloody victory over them. This advantage procured but a short respite to the English. The Danes still maintained their settlement in the Isle of Thanet; and, being attacked by Ealher and Huda, governors of Kent and Surrey, though defeated in the beginning of the action, they finally repulsed the assailants, and killed both the governors, removed thence to the Isle of Shepey, where they took up their winter quarters, that they might farther extend their devastation and ravages.

This unsettled state of England hindered not Ethelwolf from making a pilgrimage to Rome, whither he carried his fourth and favorite son, Alfred, then only six years of age.<sup>13</sup> He passed there a twelvemonth in exercises of devotion; and failed not in that most essential part of devotion, liberality to the church of Rome. Besides giving presents to the more distinguished ecclesiastics, he made a perpetual grant of three hundred mancuses<sup>14</sup> a year to that see; one third to support the lamps of St. Peter's, another those of St. Paul's, a third to the pope himself.<sup>15</sup> In his return home, he married Judith, daughter of the emperor Charles the Bald; but, on his landing in England, he met with an opposition which he little looked for.

His eldest son, Athelstan, being dead, Ethelbald, his second, who had assumed the government, formed, in concert with many of the nobles, the project of excluding his father from a throne which his weakness and superstition seem to have rendered him so ill qualified to fill. The people were divided between the two princes, and a bloody civil war, joined to all the other calamities under which the English labored, appeared inevitable, when Ethelwolf had the facility to yield to the greater part of his son's pretensions. He made with him a partition of the kingdom; and, taking to himself the eastern part, which was always, at that time, esteemed the least considerable, as well as the most exposed,<sup>16</sup> he delivered over to Ethelbald the sovereignty of the western. Immediately after, he summoned the states of the whole kingdom, and with the same facility conferred a perpetual and important donation on the church.

The ecclesiastics, in those days of ignorance, made rapid advances in the acquisition of power and grandeur; and, inculcating the most absurd and most interested doctrines, though they sometimes met, from the contrary interests of the laity, with an opposition which it required time and address to overcome, they found no obstacle in their reason or understanding. Not content with the donations of land made them by the Saxon princes and nobles, and with temporary oblations from the devotion of the people, they had cast a wishful eye on a vast revenue, which they claimed as belonging to them by a sacred and indefeasible title. However little versed in the Scriptures, they had been able to discover that, under the Jewish law, a tenth of all the produce of land was conferred on the priesthood; and, forgetting what they themselves taught, that the moral part only of that law was obligatory on Christians, they insisted that this donation conveyed a perpetual property, inherent by divine right in those who officiated at the altar. During some centuries, the whole scope of sermons and homilies was directed to this purpose; and one would have imagined, from the general tenor of these discourses, that all the practical parts of Christianity were comprised in the exact and faithful payment of tithes to the clergy.<sup>17</sup> Encouraged by their success in inculcating these doctrines, they ventured farther than they were warranted even by the Levitical law, and pretended to draw the tenth of all industry, merchandise, wages of laborers, and pay of soldiers;<sup>18</sup> nay, some canonists went so far as to affirm that the clergy were entitled to the tithe of the profits made by courtesans in the exercise of their profession.<sup>19</sup> Though parishes had been instituted in England by Honorius, archbishop of Canterbury, near two centuries before,<sup>20</sup> the ecclesiastics had never yet been able to get possession of the tithes; they therefore seized the present favorable opportunity of making that acquisition; when a weak, superstitious prince filled the throne, and when the people, discouraged by their losses from the Danes, and terrified with the fear of future invasions, were susceptible of any impression which bore the appearance of religion.<sup>21</sup> So meritorious was this concession deemed by the English, that, trusting entirely to supernatural assistance, they neglected the ordinary means of safety; and agreed, even in the present desperate extremity, that the revenues of the church should be exempted from all burdens, though imposed for national defence and security.<sup>22</sup>

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<sup>7</sup> W. Malms, lib. ii. cap 2.]

<sup>8</sup> Chron. Sax. p. 73. Ethelwerd, lib. iii. cap. 3.]

<sup>9</sup> Chron. Sax. p. 73. H. Hunting, lib. v.]

<sup>10</sup> Alured. Beverl. p. 108.]

<sup>11</sup> H. Hunting, lib. v. Ethelwerd, lib. iii. cap 3. Sim. Dunelm. p. 120.]

<sup>12</sup> Chron. Sax. p. 74. Asser. p. 2.]

<sup>13</sup> Asser. p. 2. Chron. Sax. 76. H. Hunting, lib. v.]

<sup>14</sup> A mancus was about the weight of our present half crown. See Spelman's Glossary, in verbo Mancus.]

<sup>15</sup> W. Malms, lib. ii. cap. 2.]

<sup>16</sup> Asser. p. 3. W. Malms, lib. ii. cap. 2. M. West. p. i, 8.]

<sup>17</sup> Padre Paolo, sopra beneficii ecclesiastici, p. 51, 52, edit. Colon. 1675.]

<sup>18</sup> Spell. Concil. vol. i. p. 268.]

<sup>19</sup> Padre Paolo, p. 132.]

<sup>20</sup> Parker, p. 77.]

<sup>21</sup> Ingulf, p. 862. Selden's Hist. of Tithes, c. 8.]

<sup>22</sup> Asser. p. 2. Chron. Sax. p. 76. W. Malms, lib. ii. cap. 2. Ethelwerd, lib. iii. cap. 3. M. West. p. 158. Ingulph. p. 17. Alured. Beverl. p. 95.]

## ETHELBALD AND ETHELBERT.

**E**thelwolf lived only two years after making this grant; and by his will he shared England between his two eldest sons, Ethelbald and Ethelbert; the west being assigned to the former, the east to the latter. Ethelbald was a profligate prince; and marrying Judith, his mother-in-law, gave great offence to the people; but moved by the remonstrances of Swithun, bishop of Winchester, he was at last prevailed on to divorce her. His reign was short; and Ethelbert, his brother, succeeding to the government, behaved himself, during a reign of five years, in a manner

more worthy of his birth and station. The kingdom, however, was still infested by the Danes, who made an inroad and sacked Winchester, but were there defeated. A body also of these pirates, who were quartered in the Isle of Thanet, having deceived the English by a treaty, unexpectedly broke into Kent, and committed great outrages.

## ETHERED

**E**thelbert was succeeded by his brother Ethered, who, though he defended himself with bravery, enjoyed, during his whole reign, no tranquillity from those Danish irruptions. His younger brother, Alfred, seconded him in all his enterprises, and generously sacrificed to the public good all resentment, which he might entertain on account of his being excluded by Ethered from a large patrimony which had been left him by his father.

The first landing of the Danes, in the reign of Ethered, was among the East Angles, who, more anxious for their present safety than for the common interest, entered into a separate treaty with the enemy, and furnished them with horses, which enabled them to make an irruption by land into the kingdom of Northumberland. They there seized the city of York, and defended it against Osbriht and Ælia, two Northumbrian princes, who perished in the assault.<sup>23</sup> Encouraged by these successes, and by the superiority which they had acquired in arms, they now ventured, under the command of Hinguar and Hubba, to leave the sea-coast, and penetrating into Mercia, they took up their winter quarters at Nottingham, where they threatened the kingdom with a final subjection.

The Mercians, in this extremity, applied to Ethered for succor; and that prince, with his brother Alfred, conducting a great army to Nottingham, obliged the enemy to dislodge, and to retreat into Northumberland.

Their restless disposition, and their avidity for plunder, allowed them <sup>870.</sup> not to remain long in those quarters; they broke into East Anglia, defeated and took prisoner Edmund, the king of that country, whom they afterwards murdered in cool blood; and, committing the most barbarous ravages on the people, particularly on the monasteries, they gave the East



Angles cause to regret the temporary relief which they had obtained, by assisting the common enemy.

The next station of the Danes was at Reading; whence they infested the neighboring country by their incursions. The Mercians, desirous of shaking off their dependence on Ethered, refused to join him with their forces; and that prince, attended by Alfred, was obliged to march against the enemy with the West Saxons alone, his hereditary subjects. The Danes, being defeated in an action, shut themselves up in their garrison; but quickly making thence an irruption, they routed the West Saxons, and obliged them to raise the siege. An action soon after ensued at Aston, in Berkshire, where the English, in the beginning of the day, were in danger of a total defeat. Alfred, advancing with one division of the army, was surrounded by the enemy in disadvantageous ground; and Ethered, who was at that time hearing mass, refused to march to his assistance till prayers should be finished;<sup>24</sup> but, as he afterwards obtained the victory, this success, not the danger of Alfred, was ascribed by the monks to the piety of that monarch.

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<sup>23</sup> Asser, p. 6. Chron. Sax. p. 79.]

<sup>24</sup> Asser. p. 7. W. Malms, lib. ii. cap. 3 Sim. Dunelm. p. 125. Anglia Sacra, vol. i. p. 205.]





ALFRED BEFORE THE DANISH GENERAL.

LONDON, JAMES S. VIRTUE.

### ALFRED.

**T**his battle of Aston did not terminate the war; another battle was a little after fought at Basing, where the Danes were more successful; and being reënforced by a new army from their own country, they became every day more terrible to the English. Amidst these confusions, Ethered died of a wound which he had received in an action with the Danes; and left the inheritance of his cares and misfortunes, rather than of his grandeur, to his brother Alfred, who was now twenty-two years of age.

This prince gave very early marks of those great virtues and shining talents, by which, during the most difficult times, he saved his country from utter ruin and subversion. Ethelwolf, his father, the year after his return with Alfred from Rome, had again sent the young prince thither with a numerous retinue; and a report being spread of the king's death, the Pope, Leo III., gave Alfred the royal unction;<sup>25</sup> whether prognosticating his future greatness from the appearances of his pregnant genius, or willing to pretend, even in that age, to the right of conferring kingdoms. Alfred, on his return home, became every day more the object of his father's affections; but being indulged in all youthful pleasures, he was much neglected in his education; and he had already reached his twelfth year, when he was yet totally ignorant of the lowest elements of literature. His genius was first roused by the recital of Saxon poems, in which the queen took delight; and this species of erudition, which is sometimes able to make a considerable progress even among barbarians, expanded those noble and elevated sentiments which he had received from nature.<sup>26</sup> Encouraged by the queen, and stimulated by his own ardent inclination, he soon learned to read those compositions; and proceeded thence to acquire the knowledge of the Latin tongue, in which he met with authors that better prompted his heroic spirit, and directed his generous views. Absorbed in these elegant pursuits, he regarded his accession to royalty rather as an object of regret than of triumph;<sup>27</sup> but being called to the throne, in preference to his brother's children, as well by the will of his father,—a circumstance which had great authority with the Anglo-Saxons<sup>28</sup>—as by the vows of the whole nation, and the urgency of public affairs, he shook off his literary indolence, and exerted himself in the defence of his people. He had scarcely buried his brother, when he was obliged to take the field, in order to oppose the Danes, who had seized Wilton, and were exercising their usual ravages on the countries around.

He marched against them with the few troops which he could assemble on a sudden, and, giving them battle, gained at first an advantage; but, by his pursuing the victory too far, the superiority of the enemy's numbers prevailed, and recovered them the day. Their loss, however, in the action, was so considerable, that, fearing Alfred would receive daily reënforcements from his subjects, they were content to stipulate for a safe retreat, and promised to depart the kingdom. For that

purpose, they were conducted to London, and allowed to take up winter quarters there; but, careless of their engagements, they immediately set themselves to the committing of spoil on the neighboring country. Burrhed, king of Mercia, in whose territories London was situated, made a new stipulation with them, and engaged them, by presents of money, to remove to Lindesey, in Lincolnshire, a country which they had already reduced to ruin and desolation. Finding, therefore, no object in that place, either for their rapine or violence, they suddenly turned back upon Mercia, in a quarter where they expected to find it without defence; and fixing their station at Repton, in Derbyshire, they laid the whole country desolate with fire and sword. Burrhed, despairing of success against an enemy whom no force could resist, and no treaties bind, abandoned his kingdom, and, flying to Rome, took shelter in a cloister.<sup>29</sup> He was brother-in-law to Alfred, and the last who bore the title of king in Mercia.

The West Saxons were now the only remaining power in England; and though supported by the vigor and abilities of Alfred, they were unable to sustain the efforts of those ravagers, who from all quarters invaded them. A new swarm of Danes came over this year under three princes, Guthrum, Oscitel, and Amund; and having first joined their countrymen at Repton, they soon found the necessity of separating, in order to provide for their subsistence. Part of them, under the command of Haldene, their chieftain,<sup>30</sup> marched into Northumberland, where they fixed their residence; part of them took quarters at Cambridge, whence they dislodged in the ensuing summer and seized Wereham, in the county of Dorset, the very centre of Alfred's dominions. That prince so straitened them in these quarters, that they were content to come to a treaty with him, and stipulated to depart his country. Alfred, well acquainted with their usual perfidy, obliged them to swear upon the holy relics to the observance of the treaty;<sup>31</sup> not that he expected they would pay any veneration to the relics; but he hoped that, if they now violated this oath, their impiety would infallibly draw down upon them the vengeance of Heaven.

But the Danes, little apprehensive of the danger suddenly, without seeking any pretence, fell upon Alfred's army; and having put it to rout, marched westward, and took possession of Exeter. The prince collected

new forces, and exerted such vigor, that he fought in one year eight battles with the enemy,<sup>32</sup> and reduced them to the utmost extremity. He hearkened, however, to new proposals of peace, and was satisfied to stipulate with them, that they would settle somewhere in England,<sup>33</sup> and would not permit the entrance of more ravagers into the kingdom. But while he was expecting the execution of this treaty, which it seemed the interest of the Danes themselves to fulfil, he heard that another body had landed, and, having collected all the scattered troops of their country men, had surprised Chippenham, then a considerable town, and were exercising their usual ravages all around them.

This last incident quite broke the spirit of the Saxons, and reduced them to despair. Finding that, after all the miserable havoc which they had undergone in their persons and in their property, after all the vigorous actions which they had exerted in their own defence, a new band, equally greedy of spoil and slaughter, had disembarked among them, they believed themselves abandoned by Heaven to destruction, and delivered over to those swarms of robbers which the fertile north thus incessantly poured forth against them. Some left their country and retired into Wales, or fled beyond sea; others submitted to the conquerors, in hopes of appeasing their fury by a servile obedience.<sup>34</sup> And every man's attention being now engrossed in concern for his own preservation, no one would hearken to the exhortations of the king, who summoned them to make, under his conduct, one effort more in defence of their prince, their country, and their liberties. Alfred himself was obliged to relinquish the ensigns of his dignity, to dismiss his servants, and to seek shelter in the meanest disguises from the pursuit and fury of his enemies. He concealed himself under a peasant's habit, and lived some time in the house of a neat-herd, who had been intrusted with the care of some of his cows.<sup>35</sup>

There passed here an incident, which has been recorded by all the historians, and was long preserved by popular tradition, though it contains nothing memorable in itself, except so far as every circumstance is interesting which attends so much virtue and dignity reduced to such distress. The wife of the neat-herd was ignorant of the condition of her royal guest; and observing him one day busy, by the fireside, in trimming his bow and arrows, she desired him to take care of some cakes which were

toasting, while she was employed elsewhere in other domestic affairs. But Alfred, whose thoughts were otherwise engaged, neglected this injunction; and the good woman, on her return, finding her cakes all burnt, rated the king very severely, and upbraided him, that he always seemed very well pleased to eat her warm cakes though he was thus negligent in toasting them.<sup>36</sup>.....

By degrees, Alfred, as he found the search of the enemy become more remiss, collected some of his retainers, and retired into the centre of a bog, formed by the stagnating waters of the Thone and Parret, in Somersetshire. He here found two acres of firm ground; and building a habitation on them, rendered himself secure by its fortifications, and still more by the unknown and inaccessible roads which led to it, and by the forests and morasses with which it was every way environed. This place he called Æthelingay, or the Isle of Nobles;<sup>37</sup>..... and it now bears the name of Athelney. He thence made frequent and unexpected sallies upon the Danes, who often felt the vigor of his arm, but knew not from what quarter the blow came. He subsisted himself and his followers by the plunder which he acquired; he procured them consolation by revenge; and from small successes, he opened their minds to hope that, notwithstanding his present low condition, more important victories might at length attend his valor.

Alfred lay here concealed, but not inactive, during a twelvemonth; when the news of a prosperous event reached his ears, and called him to the field. Hubba the Dane, having spread devastation, fire, and slaughter over Wales, had landed in Devonshire from twenty-three vessels, and laid siege to the castle of Kinwith, a place situated near the mouth of the small river Tau. Oddune, earl of Devonshire, with his followers, had taken shelter there; and being ill supplied with provisions, and even with water, he determined, by some vigorous blow, to prevent the necessity of submitting to the barbarous enemy. He made a sudden sally on the Danes before sun-rising; and taking them unprepared, he put them to rout, pursued them with great slaughter, killed Hubba himself, and got possession of the famous Reafen, or enchanted standard, in which the Danes put great confidence.<sup>38</sup>..... It contained the figure of a raven, which had been inwoven by the three sisters of Hinguar and Hubba, with many

magical incantations, and which, by its different movements, prognosticated, as the Danes believed, the good or bad success of any enterprise.<sup>39</sup>

When Alfred observed this symptom of successful resistance in his subjects, he left his retreat; but before he would assemble them in arms, or urge them to any attempt, which, if unfortunate, might, in their present despondency, prove fatal, he resolved to inspect himself the situation of the enemy, and to judge of the probability of success. For this purpose he entered their camp under the disguise of a harper, and passed unsuspected through every quarter. He so entertained them with his music and facetious humors, that he met with a welcome reception, and was even introduced to the tent of Guthrum, their prince, where he remained some days.<sup>40</sup> He remarked the supine security of the Danes, their contempt of the English, their negligence in foraging and plundering, and their dissolute wasting of what they gained by rapine and violence. Encouraged by these favorable appearances, he secretly sent emissaries to the most considerable of his subjects, and summoned them to a rendezvous, attended by their warlike followers, at Brixton, on the borders of Selwood Forest.<sup>41</sup> The English, who had hoped to put an end to their calamities by servile submission, now found the insolence and rapine of the conqueror more intolerable than all past fatigues and dangers; and at the appointed day, they joyfully resorted to their prince. On his appearance, they received him with shouts of applause,<sup>42</sup> and could not satiate their eyes with the sight of this beloved monarch, whom they had long regarded as dead, and who now, with voice and looks expressing his confidence of success, called them to liberty and to vengeance.

He instantly conducted them to Eddington, where the Danes were encamped; and taking advantage of his previous knowledge of the place, he directed his attack against the most unguarded quarter of the enemy. The Danes, surprised to see an army of English, whom they considered as totally subdued, and still more astonished to hear that Alfred was at their head, made but a faint resistance, notwithstanding their superiority of number, and were soon put to flight with great slaughter. The remainder of the routed army, with their prince, was besieged by Alfred in a fortified camp to which they fled; but being reduced to extremity by want and

hunger, they had recourse to the clemency of the victor, and offered to submit on any conditions. The king, no less generous than brave, gave them their lives, and even formed a scheme for converting them from mortal enemies into faithful subjects and confederates. He knew that the kingdoms of East Anglia and Northumberland were totally desolated by the frequent inroads of the Danes, and he now proposed to repeople them, by settling there Guthrum and his followers. He hoped that the new planters would at last betake themselves to industry, when, by reason of his resistance, and the exhausted condition of the country, they could no longer subsist by plunder; and that they might serve him as a rampart against any future incursions of their countrymen. But before he ratified these mild conditions with the Danes, he required that they should give him one pledge of their submission, and of their inclination to incorporate with the English, by declaring their conversion to Christianity.<sup>43</sup> Guthrum and his army had no aversion to the proposal; and, without much instruction, or argument, or conference, they were all admitted to baptism. The king answered for Guthrum at the font, gave him the name of Athelstan, and received him as his adopted son.<sup>44</sup>

The success of this expedient seemed to correspond to Alfred's hopes: the greater part of the Danes settled peaceably in their new quarters: some smaller bodies of the same nation, which were dispersed in Mercia, were distributed into the five cities of Derby, Leicester, Stamford, Lincoln, and Nottingham, and were thence called the Fif or Five-burgers. The more turbulent and unquiet made an expedition into France, under the command of Hastings;<sup>45</sup> and except by a short incursion of Danes, who sailed up the Thames, and landed at Fulham, but suddenly retreated to their ships, on finding the country in a posture of defence, Alfred was not for some years infested by the inroads of those barbarians.<sup>46</sup>

The king employed this interval of tranquillity in restoring order to the state, which had been shaken by so many violent convulsions; in establishing civil and military institutions; in composing the minds of men to industry and justice; and in providing against the return of like calamities. He was, more properly than his grandfather Egbert, the sole monarch of the English, (for so the Saxons were now universally called,) because the kingdom of Mercia was at last incorporated in his state, and



was governed by Ethelbert, his brother-in-law, who bore the title of earl; and though the Danes, who peopled East Anglia and Northumberland, were for some time ruled immediately by their own princes, they all acknowledged a subordination to Alfred, and submitted to his superior authority. As equality among subjects is the great source of concord, Alfred gave the same laws to the Danes and English, and put them entirely on a like footing in the administration both of civil and criminal justice. The fine for the murder of a Dane was the same with that for the murder of an Englishman; the great symbol of equality in those ages.

The king, after rebuilding the ruined cities, particularly London,<sup>47</sup> which had been destroyed by the Danes in the reign of Ethelwolf, established a regular militia for the defence of the kingdom. He ordained that all his people should be armed and registered; he assigned them a regular rotation of duty; he distributed part into the castles and fortresses, which he built at proper places;<sup>48</sup> he required another part to take the field on any alarm, and to assemble at stated places of rendezvous; and he left a sufficient number at home, who were employed in the cultivation of the land, and who afterwards took their turn in military service.<sup>49</sup>

The whole kingdom was like one great garrison; and the Danes could no sooner appear in one place, than a sufficient number was assembled to oppose them, without leaving the other quarters defenceless or disarmed.<sup>50</sup>

But Alfred, sensible that the proper method of opposing an enemy who made incursions by sea, was to meet them on their own element, took care to provide himself with a naval force,<sup>51</sup> which, though the most natural defence of an island, had hitherto been totally neglected by the English. He increased the shipping of his kingdom both in number and strength, and trained his subjects in the practice as well of sailing as of naval action. He distributed his armed vessels in proper stations around the island, and was sure to meet the Danish ships, either before or after they had landed their troops, and to pursue them in all their incursions. Though the Danes might suddenly, by surprise, disembark on the coast, which was generally become desolate by their frequent ravages, they were encountered by the English fleet in their retreat; and escaped not, as

formerly, by abandoning their booty, but paid, by their total destruction, the penalty of the disorders which they had committed.

In this manner Alfred repelled several inroads of these piratical Danes, and maintained his kingdom, during some years, in safety and tranquillity. A fleet of a hundred and twenty ships of war was stationed upon the coast; and being provided with warlike engines, as well as with expert seamen, both Frisians and English, (for Alfred supplied the defects of his own subjects by engaging able foreigners in his service,) maintained a superiority over those smaller bands, with which England had so often been infested.<sup>52</sup>

But at last Hastings, the famous Danish chief, having ravaged all the provinces of France, both along the sea-coast and the Loire and Seine, and being obliged to quit that country, more by the desolation which he himself had occasioned, than by the resistance of the inhabitants, appeared off the coast of Kent with a fleet of three hundred and thirty sail. The greater part of the enemy disembarked in the Rother and seized the fort of Apuldore. Hastings himself, commanding a fleet of eighty sail, entered the Thames, and fortifying Milton, in Kent, began to spread his forces over the country, and to commit the most destructive ravages. But Alfred, on the first alarm of this descent, flew to the defence of his people, at the head of a select band of soldiers, whom he always kept about his person,<sup>53</sup> and, gathering to him the armed militia from all quarters, appeared in the field with a force superior to the enemy. All straggling parties, whom necessity, or love of plunder, had drawn to a distance from their chief encampment, were cut off by the English;<sup>54</sup> and these pirates, instead of increasing their spoil, found themselves cooped up in their fortifications, and obliged to subsist by the plunder which they had brought from France. Tired of this situation, which must in the end prove ruinous to them, the Danes at Apuldore rose suddenly from their encampment, with an intention of marching towards the Thames, and passing over into Essex: but they escaped not the vigilance of Alfred, who encountered them at Farnham, put them to rout,<sup>55</sup> seized all their horses and baggage, and chased the runaways on board their ships, which carried them up the Colne to Mersey, in Essex, where they intrenched themselves. Hastings, at the same time, and probably by concert, made a like

movement; and deserting Milton, took possession of Bamflete, near the Isle of Canvey, in the same county,<sup>56</sup> where he hastily threw up fortifications for his defence against the power of Alfred.

Unfortunately for the English, Guthrum, prince of the East Anglian Danes, was now dead; as was also Guthred, whom the king had appointed governor of the Northumbrians; and those restless tribes, being no longer restrained by the authority of their princes, and being encouraged by the appearance of so great a body of their countrymen, broke into rebellion, shook off the authority of Alfred, and yielding to their inveterate habits of war and depredation,<sup>57</sup> embarked on board two hundred and forty vessels, and appeared before Exeter, in the west of England. Alfred lost not a moment in opposing this new enemy. Having left some forces at London to make head against Hastings and the other Danes, he marched suddenly to the west,<sup>58</sup> and, falling on the rebels before they were aware, pursued them to their ships with great slaughter.

These ravagers, sailing next to Sussex, began to plunder the country near Chichester; but the order which Alfred had everywhere established, sufficed here, without his presence, for the defence of the place, and the rebels, meeting with a new repulse, in which many of them were killed, and some of their ships taken,<sup>59</sup> were obliged to put again to sea, and were discouraged from attempting any other enterprise.

Meanwhile the Danish invaders in Essex, having united their force under the command of Hastings, advanced into the inland country, and made spoil of all around them; but soon had reason to repent of their temerity. The English army left in London, assisted by a body of the citizens, attacked the enemy's intrenchments at Bamflete, overpowered the garrison, and having done great execution upon them, carried off the wife and two sons of Hastings.<sup>60</sup> Alfred generously spared these captives, and even restored them to Hastings,<sup>61</sup> on condition that he should depart the kingdom.

But though the king had thus honorably rid himself of this dangerous enemy, he had not entirely subdued or expelled the invaders. The piratical Danes willingly followed in an excursion any prosperous leader who gave them hopes of booty, but were not so easily induced to relinquish their enterprise, or submit to return, baffled and without plunder, into their

native country. Great numbers of them, after the departure of Hastings, seized and fortified Shobury, at the mouth of the Thames; and having left a garrison there, they marched along the river, till they came to Boddington, in the county of Gloucester; where, being reënforced by some Welsh, they threw up intrenchments, and prepared for their defence. The king here surrounded them with the whole force of his dominions;<sup>62</sup> and as he had now a certain prospect of victory, he resolved to trust nothing to chance, but rather to master his enemies by famine than assault. They were reduced to such extremities, that having eaten their own horses, and having many of them perished with hunger,<sup>63</sup> they made a desperate sally upon the English; and though the greater number fell in the action, a considerable body made their escape.<sup>64</sup>

These roved about for some time in England, still pursued by the vigilance of Alfred; they attacked Leicester with success, defended themselves in Hartford, and then fled to Quatford, where they were finally broken and subdued. The small remains of them either dispersed themselves among their countrymen in Northumberland and East Anglia,<sup>65</sup> or had recourse again to the sea, where they exercised piracy, under the command of Sigefert, a Northumbrian.

This freebooter, well acquainted with Alfred's naval preparations, had framed vessels of a new construction, higher, and longer, and swifter than those of the English; but the king soon discovered his superior skill, by building vessels still higher, and longer, and swifter than those of the Northumbrians; and falling upon them, while they were exercising their ravages in the west, he took twenty of their ships; and having tried all the prisoners at Winchester, he hanged them as pirates, the common enemies of mankind.

The well-timed severity of this execution, together with the excellent posture of defence established every where, restored full tranquillity in England, and provided for the future security of the government. The East Anglian and Northumbrian Danes, on the first appearance of Alfred upon their frontiers, made anew the most humble submissions to him; and he thought it prudent to take them under his immediate government, without establishing over them a viceroy of their own nation.<sup>66</sup> The Welsh also acknowledged his authority; and this great prince had now, by prudence,

and justice, and valor, established his sovereignty over all the southern parts of the island, from the English Channel to the frontiers of Scotland; when he died,

in the vigor of his age and the full strength of his faculties, after a <sup>901.</sup> glorious reign of twenty-nine years and a half,<sup>67</sup> in which he deservedly attained the appellation of Alfred the Great, and the title of founder of the English monarchy.

The merit of this prince, both in private and public life, may with advantage be set in opposition to that of any monarch, or citizen, which the annals of any age, or any nation, can present to us. He seems, indeed, to be the model of that perfect character, which, under the denomination of a sage or wise man, philosophers have been fond of delineating, rather as a fiction of their imagination, than in hopes of ever seeing it really existing; so happily were all his virtues tempered together, so justly were they blended, and so powerfully did each prevent the other from exceeding its proper boundaries. He knew how to reconcile the most enterprising spirit with the coolest moderation; the most obstinate perseverance with the easiest flexibility: the most severe justice with the gentlest lenity; the greatest vigor in commanding with the most perfect affability of deportment;<sup>68</sup> the highest capacity and inclination for science with the most shining talents for action.

His civil and his military virtues are almost equally the objects of our admiration; excepting only that the former, being more rare among princes, as well as more useful, seem chiefly to challenge our applause. Nature, also, as if desirous that so bright a production of her skill should be set in the fairest light, had bestowed on him every bodily accomplishment—vigor of limbs, dignity of shape and air, with a pleasing, engaging, and open countenance. Fortune alone, by throwing him into that barbarous age, deprived him of historians worthy to transmit his fame to posterity; and we wish to see him delineated in more lively colors, and with more particular strokes, that we may at least perceive some of those small specks and blemishes, from which, as a man, it is impossible he could be entirely exempted.

But we should give but an imperfect idea of Alfred's merit, were we to confine our narration to his military exploits, and were not more particular

in our account of his institutions for the execution of justice, and of his zeal for the encouragement of arts and sciences.

After Alfred had subdued, and had settled or expelled the Danes, he found the kingdom in the most wretched condition; desolated by the ravages of those barbarians, and thrown into disorders which were calculated to perpetuate its misery. Though the great armies of the Danes were broken, the country was full of straggling troops of that nation, who, being accustomed to live by plunder, were become incapable of industry; and who, from the natural ferocity of their manners, indulged themselves in committing violence, even beyond what was requisite to supply their necessities. The English themselves, reduced to the most extreme indigence by those continued depredations, had shaken off all bands of government; and those who had been plundered to-day, betook themselves next day to a like disorderly life, and, from despair, joined the robbers in pillaging and ruining their fellow-citizens. These were the evils for which it was necessary that the vigilance and activity of Alfred should provide a remedy.

That he might render the execution of justice strict and regular, he divided all England into counties: these counties he subdivided into hundreds, and the hundreds into tithings. Every householder was answerable for the behavior of his family and slaves, and even of his guests, if they lived above three days in his house. Ten neighboring householders were formed into one corporation, who, under the name of a tithing, decennary, or fribourg, were answerable for each other's conduct, and over whom, one person, called a tithing-man, headbourg, or borsholder, was appointed to preside. Every man was punished as an outlaw who did not register himself in some tithing. And no man could change his habitation without a warrant or certificate from the borsholder of the tithing to which he formerly belonged.

When any person, in any tithing or decennary, was guilty of a crime, the borsholder was summoned to answer for him; and if he were not willing to be surety for his appearance, and his clearing himself, the criminal was committed to prison, and there detained till his trial. If he fled, either before or after finding sureties, the borsholder and decennary became liable to inquiry, and were exposed to the penalties of law. Thirty-

one days were allowed them for producing the criminal; and if that time elapsed without their being able to find him, the borsholder, with two other members of the decennary, was obliged to appear, and, together with three chief members of the three neighboring decennaries, (making twelve in all,) to swear that his decennary was free from all privity, both of the crime committed, and of the escape of the criminal. If the borsholder could not find such a number to answer for their innocence, the decennary was compelled by fine to make satisfaction to the king, according to the degree of the offence.<sup>69</sup>

By this institution, every man was obliged, from his own interest, to keep a watchful eye over the conduct of his neighbors; and was in a manner surety for the behavior of those who were placed under the division to which he belonged; whence these decennaries received the name of frank-pledges.

Such a regular distribution of the people, with such a strict confinement in their habitation, may not be necessary in times when men are more inured to obedience and justice; and it might, perhaps, be regarded as destructive of liberty and commerce in a polished state; but it was well calculated to reduce that fierce and licentious people under the salutary restraint of law and government. But Alfred took care to temper these rigors by other institutions favorable to the freedom of the citizens; and nothing could be more popular and liberal than his plan for the administration of justice. The borsholder summoned together his whole decennary to assist him in deciding any lesser differences which occurred among the members of this small community. In affairs of greater moment, in appeals from the decennary, or in controversies arising between members of different decennaries, the cause was brought before the hundred, which consisted of ten decennaries, or a hundred families of freemen, and which was regularly assembled once in four weeks, for the deciding of causes.<sup>70</sup> Their method of decision deserves to be noted, as being the origin of juries; an institution admirable in itself, and the best calculated for the preservation of liberty and the administration of justice that ever was devised by the wit of man. Twelve freeholders were chosen, who, having sworn, together with the hundreder, or presiding magistrate of that division, to administer impartial justice,<sup>71</sup> proceeded to the

examination of that cause which was submitted to their jurisdiction. And beside these monthly meetings of the hundred, there was an annual meeting, appointed for a more general inspection of the police of the district; for the inquiry into crimes, the correction of abuses in magistrates, and the obliging of every person to show the decennary in which he was registered. The people, in imitation of their ancestors, the ancient Germans, assembled there in arms; whence a hundred was sometimes called a wapentake, and its courts served both for the support of military discipline and for the administration of civil justice.<sup>72</sup>

The next superior court to that of the hundred was the county court, which met twice a year, after Michaelmas and Easter, and consisted of the freeholders of the county, who possessed an equal vote in the decision of causes. The bishop presided in this court, together with the alderman; and the proper object of the court was, the receiving of appeals from the hundreds and decennaries, and the deciding of such controversies as arose between men of different hundreds. Formerly, the alderman possessed both the civil and military authority; but Alfred, sensible that this conjunction of powers rendered the nobility dangerous and independent, appointed also a sheriff in each county, who enjoyed a coördinate authority with the former in the judicial function.<sup>73</sup> His office also impowered him to guard the rights of the crown in the county, and to levy the fines imposed, which in that age formed no contemptible part of the public revenue.

There lay an appeal, in default of justice, from all these courts, to the king himself in council; and as the people, sensible of the equity and great talents of Alfred, placed their chief confidence in him, he was soon overwhelmed with appeals from all parts of England. He was indefatigable in the despatch of these causes;<sup>74</sup> but finding that his time must be entirely engrossed by this branch of duty, he resolved to obviate the inconvenience, by correcting the ignorance or corruption of the inferior magistrates, from which it arose.<sup>75</sup> He took care to have his nobility instructed in letters and the laws; <sup>76</sup> he chose the earls and sheriffs from among the men most celebrated for probity and knowledge; he punished severely all malversation in office;<sup>77</sup> and he removed all the earls whom he found



unequal to the trust;<sup>78</sup> allowing only some of the more elderly to serve by a deputy, till their death should make room for more worthy successors.

The better to guide the magistrates in the administration of justice, Alfred framed a body of laws, which, though now lost, served long as the basis of English jurisprudence, and is generally deemed the origin of what is denominated the COMMON LAW. He appointed regular meetings of the states of England twice a year, in London,<sup>79</sup> a city which he himself had repaired and beautified, and which he thus rendered the capital of the kingdom.

The similarity of these institutions to the customs of the ancient Germans, to the practice of the other northern conquerors, and to the Saxon laws during the Heptarchy, prevents us from regarding Alfred as the sole author of this plan of government, and leads us rather to think, that, like a wise-man, he contented himself with reforming, extending, and executing the institutions which he found previously established. But, on the whole, such success attended his legislation, that everything bore suddenly a new face in England. Robberies and iniquities of all kinds were repressed by the punishment or reformation of the criminals;<sup>80</sup> and so exact was the general police, that Alfred, it is said, hung up, by way of bravado, golden bracelets near the highways, and no man dared to touch them.<sup>81</sup> Yet, amidst these rigors of justice, this great prince preserved the most sacred regard to the liberty of his people; and it is a memorable sentiment preserved in his will, that it was just the English should forever remain as free as their own thoughts.<sup>82</sup>

As good morals and knowledge are almost inseparable, in every age, though not in every individual, the care of Alfred for the encouragement of learning among his subjects was another useful branch of his legislation, and tended to reclaim the English from their former dissolute and ferocious manners; but the king was guided, in this pursuit, less by political views than by his natural bent and propensity towards letters. When he came to the throne, he found the nation sunk into the grossest ignorance and barbarism, proceeding from the continued disorders in the government, and from the ravages of the Danes. The monasteries were destroyed, the monks butchered or dispersed, their libraries burnt; and thus the only seats of erudition in those ages were totally subverted. Alfred

himself complains, that on his accession he knew not one person, south of the Thames, who could so much as interpret the Latin service, and very few in the northern parts who had reached even that pitch of erudition. But this prince invited over the most celebrated scholars from all parts of Europe; he established schools every where for the instruction of his people; he founded, at least repaired, the University of Oxford, and endowed it with many privileges revenues, and immunities; he enjoined by law all freeholders possessed of two hides<sup>83</sup> of land, or more, to send their children to school, for their instruction; he gave preferment both in church and state to such only as had made some proficiency in knowledge; and by all these expedients he had the satisfaction, before his death, to see a great change in the face of affairs; and in a work of his, which is still extant, he congratulates himself on the progress which learning, under his patronage, had already made in England.

But the most effectual expedient, employed by Alfred for the encouragement of learning, was his own example, and the constant assiduity with which, notwithstanding the multiplicity and urgency of his affairs, he employed himself in the pursuits of knowledge. He usually divided his time into three equal portions: one was employed in sleep, and the refectation of his body by diet and exercise; another, in the despatch of business; a third, in study and devotion; and that he might more exactly measure the hours, he made use of burning tapers of equal length, which he fixed in lanterns,<sup>84</sup> an expedient suited to that rude age, when the geometry of dialling, and the mechanism of clocks and watches, were totally unknown. And by such a regular distribution of his time though he often labored under great bodily infirmities,<sup>85</sup> this martial hero, who fought in person fifty-six battles by sea and land,<sup>86</sup> was able, during a life of no extraordinary length, to acquire more knowledge, and even to compose more books, than most studious men, though blessed with the greatest leisure and application, have, in more fortunate ages, made the object of their uninterrupted industry.

Sensible that the people, at all times, especially when their understandings are obstructed by ignorance and bad education, are not much susceptible of speculative instruction, Alfred endeavored to convey his morality by apologues, parables, stories, apothegms, couched in

poetry; and besides propagating among his subjects former compositions of that kind, which he found in the Saxon tongue,<sup>87</sup> he exercised his genius in inventing works of a like nature,<sup>88</sup> as well as in translating from the Greek the elegant Fables of Æsop. He also gave Saxon translations of Orosius's and Bede's histories; and of Boethius concerning the consolation of philosophy.<sup>89</sup> And he deemed it nowise derogatory from his other great characters of sovereign, legislator, warrior, and politician, thus to lead the way to his people in the pursuits of literature.

Meanwhile, this prince was not negligent in encouraging the vulgar and mechanical arts, which have a more sensible, though not a closer connection with the interests of society. He invited, from all quarters, industrious foreigners to re-people his country, which had been desolated by the ravages of the Danes.<sup>90</sup> He introduced and encouraged manufactures of all kinds, and no inventor or improver of any ingenious art did he suffer to go unrewarded.<sup>91</sup> He prompted men of activity to betake themselves to navigation, to push commerce into the most remote countries, and to acquire riches by propagating industry among their fellow-citizens. He set apart a seventh portion of his own revenue for maintaining a number of workmen, whom he constantly employed in rebuilding the ruined cities, castles, palaces, and monasteries.<sup>92</sup> Even the elegances of life were brought to him from the Mediterranean and the Indies;<sup>93</sup> and his subjects, by seeing those productions of the peaceful arts, were taught to respect the virtues of justice and industry, from which alone they could arise. Both living and dead, Alfred was regarded by foreigners, no less than by his own subjects, as the greatest prince, after Charlemagne, that had appeared in Europe during several ages, and as one of the wisest and best that had ever adorned the annals of any nation.

Alfred had, by his wife Ethelwitha, daughter of a Mercian earl, three sons and three daughters. The eldest son, Edmund, died without issue, in his father's lifetime. The third, Ethelward, inherited his father's passion for letters, and lived a private life. The second, Edward, succeeded to his power, and passes by the appellation of Edward the Elder, being the first of that name who sat on the English throne.

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<sup>25</sup>..... Asser. p. 2. W. Malms, lib. ii. chap. 2. Ingulph. p. 869. Sim. Dunelm. p. 120, 139.]

<sup>26</sup>..... Asser. p. 5. M. West, p. 167.]

<sup>27</sup>..... Asser. p. 7.]

<sup>28</sup>..... Asser. p. 22. Sim. Dunelm. p. 121.]

<sup>29</sup>..... Asser. p. 8. Chron. Sax. p. 82. Ethelwerd, lib. iv. cap. 4.]

<sup>30</sup>..... Chron. Sax. p. 83.]

<sup>31</sup>..... Asser. p. 8.]

<sup>32</sup>..... Asser. p. 8. The Saxon Chronicle, p. 82, says nine battles.]

<sup>33</sup>..... Asser. p. 9. Alured. Beverl. p. 104.]

<sup>34</sup>..... Chron. Sax. p. 84. Alured. Beverl. p. 105.]

<sup>35</sup>..... Asser. p. 9.]

<sup>36</sup>..... Asser. p. 9. M. West. p. 170.]

<sup>37</sup>..... Chron. Sax. p. 85. W. Malms, lib. ii. cap. 4. Ethelwerd, lib. iv. cap. 4. Ingulph. p. 26.]

<sup>38</sup>..... Asser. p. 10. Chron. Sax. p. 84. Abbas Rieval. p. 395. Alured. Beverl. p. 105.]

<sup>39</sup>..... Asser. p. 10.]

<sup>40</sup>..... W. Malms, lib. ii. cap. 4.]

<sup>41</sup>..... Chron. Sax. p. 85.]

<sup>42</sup>..... Asser. p. 10. Chron. Sax. p. 85. Simeon unelm. p. 128. Alured. Beverl. p. 105. Abbas Rieval. p. 354.]

<sup>43</sup>..... Chron. Sax. p. 85.]

<sup>44</sup>..... Asser. p. 10. Chron. Sax. p. 90.]

<sup>45</sup>..... W. Malms, lib. ii. cap. 4. Ingulph. p. 26.]

<sup>46</sup>..... Asser. p. 11.]

<sup>47</sup>..... Asser. p. 15. Chron. Sax. p. 88. M. West. p. 171. Sim. Dunelm. p. 131. Brompton, p. 812. Alured. Beverl. ex edit. Hearne, p. 106.]

<sup>48</sup>..... Asser. p. 18. Ingulph. p. 27.]

<sup>49</sup> Chron. Sax. p. 92, 93.]

<sup>50</sup> Spelman's Life of Alfred, p. 147, edit. 1709.]

<sup>51</sup> Asser. p. 9. M. West. p. 179.]

<sup>52</sup> Asser. p. 11. Chron Sax. p. 86, 87. M. West. p. 176.]

<sup>53</sup> Asser. p. 19.]

<sup>54</sup> Chron. Sax. p. 92.]

<sup>55</sup> Chron. Sax. p. 93. Flor. Wigorn. p. 595.]

<sup>56</sup> Chron. Sax. p. 93.]

<sup>57</sup> Chron. Sax. p. 92.]

<sup>58</sup> Chron. Sax. p. 93.]

<sup>59</sup> Chron. Sax p. 96. Flor. Wigorn. p. 596.]

<sup>60</sup> Chron. Sax. p. 94. M. West. w 178.]

<sup>61</sup> M. West, p. 179.]

<sup>62</sup> Chron. Sax. p. 94.]

<sup>63</sup> Chron. Sax. p. 94. M. West. p. 179. Flor. Wigorn. p. 596.]

<sup>64</sup> Chron. Sax. p. 95.]

<sup>65</sup> Chron. Sax. p. 97.]

<sup>66</sup> Flor. Wigorn. p. 598.]

<sup>67</sup> Asser. p. 21. Chron. Sax. p. 99.]

<sup>68</sup> Asser. p. 13.]

<sup>68</sup> Asser. p. 5.]

<sup>69</sup> Leges St. Edw. cap. 20, apud Wilkins, p. 202.]

<sup>70</sup> Leges St. Edw. cap. 2.]

<sup>71</sup> Foedus Alfred. et Gothurn. apud Wilkins, cap. 3, p. 47. Leg. Ethelstani cap. 2, apud Wilkins, p. 58. LL. Ethelr. sect. 4. Wilkins, p. 117.]

<sup>72</sup> Spelman, in voce Wapentake.]

<sup>73</sup> Ingulph. p. 870.]

<sup>74</sup> Asser. p. 20.]

<sup>75</sup>..... Asser. p. 18, 21. Flor. Wigorn. p. 594. Abbas Rieval. p. 355.]

<sup>76</sup>..... Flor. Wigorn. p. 594. Brompton, p. 814.]

<sup>77</sup>..... Le Miroir de Justice, chap. 2.]

<sup>74</sup>..... Asser. p. 20.]

<sup>78</sup>..... Le Miroir de Justice.]

<sup>79</sup>..... Ingulph. p. 27.]

<sup>80</sup>..... W. Malms, lib. ii. cap. 4.]

<sup>81</sup>..... Asser, p. 24.]

<sup>82</sup>..... A hide contained land sufficient to employ one plough. See H. Hunting, lib. vi. in A. D. 1008. Annal. Waverl. in A. D. 1083. Gervase of Tilbury says, it commonly contained about one hundred acres.]

<sup>83</sup>..... Asser. p. 20. W. Malms, lib. ii. cap. 4. Ingulph. p. 870.]

<sup>84</sup>..... Asser. p.4, 12, 13, 17.

<sup>84</sup>..... W. Malms, lib. iv. cap. 4.]

<sup>85</sup>..... Asser. p. 13.]

<sup>86</sup>..... Spelman, p. 124. Abbas Rieval. p. 355.]

<sup>88</sup>..... W. Malms, lib. ii. cap. 4, Brompton, p. 814.]

<sup>89</sup>..... Asser. p. 13. Flor. Wigorn. p. 588.]

<sup>90</sup>..... Asser. p. 20.]

<sup>91</sup>..... Asser. p. 20. W. Malms, lib. ii. cap. 4.]

<sup>92</sup>..... W. Malms, lib. ii. cap. 4.]

## **EDWARD THE ELDER.**

**T**his prince, who equalled his father in military talents, though inferior to him in knowledge and erudition,<sup>94</sup> found immediately on his accession, a specimen of that turbulent life to which all princes, and even all individuals, were exposed, in an age when men, less restrained by law or justice, and less occupied by industry, had no aliment

for their inquietude out wars, insurrections, convulsions, rapine, and depredation.

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<sup>93</sup> W. Malms, lib. ii cap. 4, Hoveden, p. 421.]

Ethelwald, his cousin-german, son of King Ethelbert, the elder brother of Alfred, insisted on his preferable title;<sup>95</sup> and arming his partisans, took possession of Winburne, where he seemed determined to defend himself to the last extremity, and to await the issue of his pretensions.<sup>96</sup> But when the king approached the town with a great army, Ethelwald, having the prospect of certain destruction, made his escape, and fled first into Normandy, thence into Northumberland, where he hoped that the people, who had been recently subdued by Alfred, and who were impatient of peace, would, on the intelligence of that great prince's death, seize the first pretence or opportunity of rebellion. The event did not disappoint his expectations: the Northumbrians declared for him,<sup>97</sup> and Ethelwald, having thus connected his interests with the Danish tribes, went beyond sea, and collecting a body of these freebooters, he excited the hopes of all those who had been accustomed to subsist by rapine and violence.<sup>98</sup>

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<sup>94</sup> Chron. Sax. p. 99, 100.]

<sup>95</sup> Chron. Sax. p. 100. H. Hunting, lib. v. p. 352.]

<sup>96</sup> Chron. Sax. p. 100. H. Hunting, lib. v. p. 352.]

<sup>97</sup> Chron. Sax. p. 100. Chron. Abb. St. Petri de Burgo, p. 24.]

The East Anglian Danes joined his party; the Five-burgers, who were seated in the heart of Mercia, began to put themselves in motion; and the English found that they were again menaced with those convulsions from which the valor and policy of Alfred had so lately rescued them. The rebels, headed by Ethelwald, made an incursion into the counties of Gloucester, Oxford, and Wilts; and having exercised their ravages in these places, they retired with their booty, before the king, who had assembled an army, was able to approach them. Edward, however, who was determined that his

preparations should not be fruitless, conducted his forces into East Anglia, and retaliated the injuries which the inhabitants had committed, by spreading the like devastation among them. Satiated with revenge, and loaded with booty, he gave orders to retire; but the authority of those ancient kings, which was feeble in peace, was not much better established in the field; and the Kentish men, greedy of more spoil, ventured, contrary to repeated orders, to stay behind him, and to take up their quarters in Bury. This disobedience proved, in the issue, fortunate to Edward. The Danes assaulted the Kentish men, but met with so vigorous a resistance, that, though they gained the field of battle, they bought that advantage by the loss of their bravest leaders, and, among the rest, by that of Ethelwald, who perished in the action.<sup>99</sup> The king, freed from the fear of so dangerous a competitor, made peace on advantageous terms with the East Angles.<sup>100</sup>

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<sup>98</sup> Chron. Sax. p. 101. Brompton, p. 832.]

<sup>99</sup> Chron. Sax. p. 102. Brompton, p. 832. M West. p. 181.]

In order to restore England to such a state of tranquillity as it was then capable of attaining, nought was wanting but the subjection of the Northumbrians, who, assisted by the scattered Danes in Mercia, continually infested the bowels of the kingdom. Edward, in order to divert the force of these enemies, prepared a fleet to attack them by sea, hoping that when his ships appeared on their coast, they must at least remain at home, and provide for their defence. But the Northumbrians were less anxious to secure their own property, than greedy to commit spoil on their enemy; and, concluding that the chief strength of the English was embarked on board the fleet, they thought the opportunity favorable, and entered Edward's territories with all their forces. The king, who was prepared against this event, attacked them, on their return, at Tetenhall in the county of Stafford, put them to rout, recovered all the booty, and pursued them with great slaughter into their own country.

All the rest of Edward's reign was a scene of continued and successful action against the Northumbrians, the East Angles, the Five-burgers, and the foreign Danes, who invaded him from Normandy and Brittany. Nor



was he less provident in putting his kingdom in a posture of defence, than vigorous in assaulting the enemy. He fortified the towns of Chester, Eddesbury, Warwick, Cherbury, Buckingham, Towcester, Maldon, Huntingdon, and Colchester. He fought two signal battles at Tensford and Maldon.<sup>101</sup>

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<sup>100</sup> Chron. Sax. p. 10, Flor. Wigorn. p. 6.]

He vanquished Thurketill, a great Danish chief, and obliged him to retire with his followers into France, in quest of spoil and adventures. He subdued the East Angles, and forced them to swear allegiance to him: he expelled the two rival princes of Northumberland, Reginald and Sidroc, and acquired, for the present, the dominion of that province: several tribes of the Britons were subjected by him; and even the Scots, who, during the reign of Egbert, had, under the conduct of Kenneth, their king, increased their power by the final subjection of the Picts, were nevertheless obliged to give him marks of submission.<sup>102</sup> In all these fortunate achievements, he was assisted by the activity and prudence of his sister Ethelfleda, who was widow of Ethelbert, earl of Mercia, and who after her husband's death, retained the government of that province. This princess, who had been reduced to extremity in childbed, refused afterwards all commerce with her husband; not from any weak superstition, as was common in that age, but because she deemed all domestic occupations unworthy of her masculine and ambitious spirit.<sup>103</sup> She died before her brother; and Edward, during the remainder of his reign, took upon himself the immediate government of Mercia, which before had been intrusted to the authority of a governor.<sup>104</sup> The Saxon Chronicle fixes the death of this prince in 925 his kingdom devolved to Athelstan, his natural son.

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<sup>101</sup> Chron. Sax. p. 110. Hoveden, p. 421.]

<sup>102</sup> W. Malms, lib. ii. cap. 5. M. West. p. 182. Ingulph. p. 28. Higgen p. 261.]

<sup>103</sup> Chron. Sax. p. 110. Brompton, p. 831.]

## ATHELSTAN.

The stain in this prince's birth was not, in those times, deemed so <sup>925</sup> considerable as to exclude him from the throne; and Athelstan, being of an age, as well as of a capacity, fitted for government, obtained the preference to Edward's younger children, who, though legitimate, were of too tender years to rule a nation so much exposed both to foreign invasion and to domestic convulsions. Some discontents, however, prevailed on his accession; and Alfred, a nobleman of considerable power, was thence encouraged to enter into a conspiracy against him. This incident is related by historians, with circumstances which the reader, according to the degree of credit he is disposed to give them, may impute either to the invention of monks, who forged them, or to their artifice, who found means of making them real. Alfred, it is said, being seized upon strong suspicions, but without any certain proof, firmly denied the conspiracy imputed to him; and, in order to justify himself, he offered to swear to his innocence before the pope, whose person, it was supposed, contained such superior sanctity, that no one could presume to give a false oath in his presence, and yet hope to escape the immediate vengeance of Heaven. The king accepted of the condition, and Alfred was conducted to Rome, where, either conscious of his innocence, or neglecting the superstition to which he appealed, he ventured to make the oath required of him, before John, who then filled the papal chair; but no sooner had he pronounced the fatal words, than he fell into convulsions, of which, three days after, he expired. The king, as if the guilt, of the conspirator were now fully ascertained, confiscated his estate, and made a present of it to the monastery of Malmesbury,<sup>105</sup> secure that no doubts would ever thenceforth be entertained concerning the justice of his proceedings.

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<sup>104</sup> W. Malms. lib. ii. cap. 6. Spel. Concil. p. 407.]

The dominion of Athelstan was no sooner established over his English subjects, than he endeavored to give security to the government, by providing against the insurrections of the Danes, which had created so much disturbance to his predecessors. He marched into Northumberland;

and, finding that the inhabitants bore with impatience the English yoke, he thought it prudent to confer on Sithric, a Danish nobleman, the title of king, and to attach him to his interests by giving him his sister Editha in marriage. But this policy proved by accident the source of dangerous consequences. Sithric died in a twelvemonth after; and his two sons by a former marriage, Anlaf and Godfrid, founding pretensions on their father's elevation, assumed the sovereignty, without waiting for Athelstan's consent. They were soon expelled by the power of that monarch; and the former took shelter in Ireland, as the latter did in Scotland, where he received, during some time, protection from Constantine, who then enjoyed the crown of that kingdom. The Scottish prince, however, continually solicited, and even menaced by Athelstan, at last promised to deliver up his guest; but secretly detesting this treachery, he gave Godfrid warning to make his escape;<sup>106</sup> and that fugitive, after subsisting by piracy for some years, freed the king, by his death, from any further anxiety. Athelstan, resenting Constantine's behavior, entered Scotland with an army, and ravaging the country with impunity,<sup>107</sup> he reduced the Scots to such distress, that their king was content to preserve his crown by making submissions to the enemy. The English historians assert,<sup>108</sup> that Constantine did homage to Athelstan for his kingdom; and they add, that the latter prince, being urged by his courtiers to push the present favorable opportunity, and entirely subdue Scotland, replied, that it was more glorious to confer than conquer kingdoms.<sup>109</sup>

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<sup>105</sup> W. Malms, lib. ii. cap. 6.]

<sup>106</sup> Chron. Sax. p. 111. Hoveden, p. 422. H. Hunting, lib. v. p. 354.]

<sup>107</sup> Hoveden, p. 422.]

<sup>108</sup> W. Malms, lib. ii. cap. 6. Anglia Sacra, vol. i. p. 212.]

But those annals, so uncertain and imperfect in themselves, lose all credit when national prepossessions and animosities have place; and, on that account, the Scotch historians, who, without having any more knowledge of the matter, strenuously deny the fact, seem more worthy of belief.

Constantine, whether he owed the retaining of his crown to the moderation of Athelstan, who was unwilling to employ all his advantages against him, or to the policy of that prince who esteemed the humiliation of an enemy a greater acquisition than the subjection of a discontented and mutinous people thought the behavior of the English monarch more an object of resentment than of gratitude. He entered into a confederacy with Anlaf, who had collected a great body of Danish pirates, whom he found hovering in the Irish seas, and with some Welsh princes, who were terrified at the growing power of Athelstan; and all these allies made by concert an irruption with a great army into England. Athelstan, collecting his forces, met the enemy near Brunsbury, in Northumberland, and defeated them in a general engagement. This victory was chiefly ascribed to the valor of Turketul, the English chancellor; for, in those turbulent ages, no one was so much occupied in civil employments as wholly to lay aside the military character.<sup>110</sup>

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<sup>109</sup>..... The office of chancellor, among the Anglo- Saxons, resembled more that of a secretary of state than that of our present chancellor See Spelman in voce Cancellarius.]

There is a circumstance, not unworthy of notice, which historians relate, with regard to the transactions of this war. Anlaf, on the approach of the English army, thought that he could not venture too much to insure a fortunate event, and employing the artifice formerly practised by Alfred against the Danes, he entered the enemy's camp, in the habit of a minstrel. The stratagem was, for the present, attended with like success. He gave such satisfaction to the soldiers, who flocked about him, that they introduced him to the king's tent; and Anlaf, having played before that prince and his nobles during their repast, was dismissed with a handsome reward. His prudence kept him from refusing the present; but his pride determined him, on his departure, to bury it while he fancied that he was unespied by all the world. But a soldier in Athelstan's camp, who had formerly served under Anlaf, had been struck with some suspicion on the first appearance of the minstrel, and was engaged by curiosity to observe all his motions. He regarded this last action as a full proof of Anlaf's

disguise; and he immediately carried the intelligence to Athelstan, who blamed him for not sooner giving him information, that he might have seized his enemy. But the soldier told him, that, as he had formerly sworn fealty to Anlaf, he could never have pardoned himself the treachery of betraying and ruining his ancient master; and that Athelstan himself, after such an instance of his criminal conduct, would have had equal reason to distrust his allegiance. Athelstan, having praised the generosity of the soldier's principles, reflected on the incident, which he foresaw might be attended with important consequences. He removed his station in the camp; and as a bishop arrived that evening with a reënforcement of troops, (for the ecclesiastics were then no less warlike than the civil magistrates,) he occupied with his train that very place which had been left vacant by the king's removal. The precaution of Athelstan was found prudent; for no sooner had darkness fallen, than Anlaf broke into the camp, and hastening directly to the place where he had left the king's tent, put the bishop to death, before he had time to prepare for his defence.<sup>111</sup>

There fell several Danish and Welsh princes in the action of Brunsbury;<sup>112</sup> and Constantine and Anlaf made their escape with difficulty, leaving the greater part of their army on the field of battle. After this success, Athelstan enjoyed his crown in tranquillity; and he is regarded as one of the ablest and most active of those ancient princes. He passed a remarkable law, which was calculated for the encouragement of commerce, and which it required some liberality of mind in that age to have devised—that a merchant, who had made three long sea voyages on his own account, should be admitted to the rank of a thane or gentleman. This prince died at Gloucester, in the year 941,<sup>113</sup> after a reign of sixteen years, and was succeeded by Edmund, his legitimate brother.

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<sup>110</sup> W. Malm's, lib. ii. cap. 6. Higden, p. 263.]

<sup>111</sup> Brompton, p. 839 Ingulph. p. 29.]

<sup>112</sup> Chron. Sax. p. 114]

Edmund, on his accession, met with disturbance from the restless Northumbrians, who lay in wait for every opportunity of breaking into rebellion. But marching suddenly with his forces into their country, he so overawed the rebels that they endeavored to appease him by the most humble submissions.<sup>114</sup>

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<sup>113</sup> W. Malsms, lib. ii. cap. 7. Brompton, p 857.]

In order to give him the surer pledge of their obedience, they offered to embrace Christianity; a religion which the English Danes had frequently professed, when reduced to difficulties, but which, for that very reason, they regarded as a badge of servitude, and shook off as soon as a favorable opportunity offered. Edmund, trusting little to their sincerity in this forced submission, used the precaution of removing the Five-burgers from the towns of Mercia, in which they had been allowed to settle; because it was always found that they took advantage of every commotion, and introduced the rebellious or foreign Danes into the heart of the kingdom. He also conquered Cumberland from the Britons; and conferred that territory on Malcolm, king of Scotland, on condition that he should do him homage for it, and protect the north from all future incursions of the Danes.

Edmund was young when he came to the crown; yet was his reign short, as his death was violent. One day, as he was solemnizing a festival in the county of Gloucester, he remarked that Leolf, a notorious robber, whom he had sentenced to banishment, had yet the boldness to enter the hall where he himself dined, and to sit at table with his attendants. Enraged at this insolence, he ordered him to leave the room; but on his refusing to obey, the king, whose temper, naturally choleric, was inflamed by this additional insult, leaped on him himself, and seized him by the hair; but the ruffian, pushed to extremity, drew his dagger, and gave Edmund a wound of which he immediately expired. This event happened in the year 946, and in the sixth year of the king's reign. Edmund left male issue, but so young, that they were incapable of governing the kingdom; and his brother, Edred, was promoted to the throne.

## EDRED

The reign of this prince, as those of his predecessors, was disturbed by <sup>946</sup>. the rebellions and incursions of the Northumbrian Danes, who, though frequently quelled, were never entirely subdued, nor had ever paid a sincere allegiance to the crown of England. The accession of a new king seemed to them a favorable opportunity for shaking off the yoke; but on Edred's appearance with an army, they made him their wonted submissions; and the king, having wasted the country with fire and sword, as a punishment of their rebellion, obliged them to renew their oaths of allegiance; and he straight retired with his forces. The obedience of the Danes lasted no longer than the present terror. Provoked at the devastations of Edred, and even reduced by necessity to subsist on plunder, they broke into a new rebellion, and were again subdued; but the king, now instructed by experience, took greater precautions against their future revolt. He fixed English garrisons in their most considerable towns, and placed over them an English governor, who might watch all their motions, and suppress any insurrection on its first appearance. He obliged also Malcolm, king of Scotland, to renew his homage for the lands which he held in England.

Edred, though not unwarlike, nor unfit for active life, lay under the influence of the lowest superstition, and had blindly delivered over his conscience to the guidance of Dunstan commonly called *St. Dunstan*, abbot of Glastonbury, whom he advanced to the highest offices, and who covered, under the appearance of sanctity, the most violent and most insolent ambition. Taking advantage of the implicit confidence reposed in him by the king, this churchman imported into England a new order of monks, who much changed the state of ecclesiastical affairs, and excited, on their first establishment, the most violent commotions.

From the introduction of Christianity among the Saxons, there had been monasteries in England; and these establishments had extremely multiplied by the donations of the princes and nobles, whose superstition, derived from their ignorance and precarious life, and increased by remorse for the crimes into which they were so frequently betrayed, knew no other expedient for appeasing the Deity, than a profuse liberality towards the ecclesiastics. But the monks had hitherto been a species of

secular priests, who lived after the manner of the present canons or prebendaries, and were both intermingled, in some degree, with the world, and endeavored to render themselves useful to it. They were employed in the education of youth;<sup>115</sup> they had the disposal of their own time and industry; they were not subjected to the rigid rules of an order; they had made no vows of implicit to their superiors;<sup>116</sup> and they still retained the choice, without quitting the convent, either of a married or a single life.<sup>117</sup>

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<sup>114</sup> Osberne in Anglia Sacra, tom. ii. p. 91.]

<sup>115</sup> See Wharton's notes to Anglia Sacra, tom. ii. p. 91. Gervase, p 1645. Chron. Wint. MS. apud Spel. Concil. p. 434.]

The Pope, having cast his eye on the monks as the basis of his authority, was determined to reduce them under strict rules of obedience, to procure them the credit of sanctity by an appearance of the most rigid mortification, and to break off all their other ties which might interfere with his spiritual policy. Under pretence, therefore, of reforming abuses which were in some degree unavoidable in the ancient establishments, he had already spread over the southern countries of Europe the severe laws of the monastic life, and began to form attempts towards a like innovation in England. The favorable opportunity offered itself, (and it was greedily seized,) arising from the weak superstition of Edred, and the violent, impetuous character of Dunstan. As the bishops and parochial clergy lived apart with their families, and were more connected with the world, the hopes of success with them were fainter, and the pretence for making them renounce marriage was much less plausible.

But a mistaken piety had produced in Italy a new species of monks, called Benedictines; who, carrying farther the plan sible principles of mortification, secluded themselves entirely from the world, renounced all claim to liberty, and made a merit of the most inviolable chastity. These practices and principles, which superstition at first engendered, were greedily embraced and promoted by the policy of the court of Rome. The Roman pontiff, who was making every day great advances towards an absolute sovereignty over the ecclesiastics, perceived that the celibacy of



the clergy alone could break off entirely their connection with the civil power, and, depriving them of every other object of ambition, engage them to promote, with unceasing industry, the grandeur of their own order. He was sensible that so long as the monks were indulged in marriage, and were permitted to rear families, they never could be subjected to strict discipline, or reduced to that slavery, under their superiors, which was requisite to procure to the mandates, issued from Rome, a ready and zealous obedience. Celibacy, therefore, began to be extolled as the indispensable duty of priests; and the pope undertook to make all the clergy, throughout the western world, renounce at once the privilege of marriage; a fortunate policy, but at the same time an undertaking the most difficult of any, since he had the strongest propensities of human nature to encounter, and found that the same connections with the female sex, which generally encourage devotion, were here unfavorable to the success of his project. It is no wonder, therefore, that this master-stroke of art should have met with violent contradiction, and that the interests of the hierarchy, and the inclinations of the priests, being now placed in this singular opposition, should, notwithstanding the continued efforts of Rome have retarded the execution of that bold scheme during the course of near three centuries.

Dunstan was born of noble parents in the west of England; and being educated under his uncle Aldhelm, then archbishop of Canterbury, had betaken himself to the ecclesiastical life, and had acquired some character in the court of Edmund. He was, however, represented to that prince as a man of licentious manners;<sup>118</sup> and finding his fortune blasted by these suspicions, his ardent ambition prompted him to repair his indiscretions, by running into an opposite extreme. He secluded himself entirely from the world; he framed a cell so small, that he could neither stand erect in it, nor stretch out his limbs during his repose; and he here employed himself perpetually either in devotion or in manual labor.<sup>119</sup> It is probable that his brain became gradually crazed by these solitary occupations, and that his head was filled with chimeras, which, being believed by himself and his stupid votaries, procured him the general character of sanctity among the people. He fancied that the devil, among the frequent visits which he paid him, was one day more earnest than usual in his temptations, till Dunstan, provoked at his importunity, seized him by the nose with a pair of red-hot

pincers, as he put his head into the cell; and he held him there till that malignant spirit made the whole neighborhood resound with his bellowings. This notable exploit was seriously credited and extolled by the public; it is transmitted to posterity by one, who, considering the age in which he lived, may pass for a writer of some elegance;<sup>120</sup> and it insured to Dunstan a reputation which no real piety, much less virtue, could, even in the most enlightened period, have ever procured him with the people.

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<sup>116</sup> Osberne, p. 95. M. West, p. 187.]

<sup>117</sup> Osberne, p. 96.]

<sup>118</sup> Osberne, p. 97.]

Supported by the character obtained in his retreat, Dunstan appeared again in the world; and gained such an ascendent over Edred who had succeeded to the crown, as made him not only the director of that prince's conscience, but his counsellor in the most momentous affairs of government. He was placed at the head of the treasury,<sup>121</sup> and being thus possessed both of power at court, and of credit with the populace, he was enabled to attempt with success the most arduous enterprises. Finding that his advancement had been owing to the opinion of his austerity, he professed himself a partisan of the rigid monastic rules; and after introducing that reformation into the convents of Glastonbury and Abingdon, he endeavored to render it universal in the kingdom.

The minds of men were already well prepared for this innovation. The praises of an inviolable chastity had been carried to the highest extravagance by some of the first preachers of Christianity among the Saxons: the pleasures of love had been represented as incompatible with Christian perfection; and a total abstinence from all commerce with the sex was deemed such a meritorious penance, as was sufficient to atone for the greatest enormities. The consequence seemed natural, that those, at least, who officiated at the altar, should be clear of this pollution; and when the doctrine of transubstantiation, which was now creeping in,<sup>122</sup> was once fully established, the reverence to the real body of Christ in the eucharist bestowed on this argument an additional force and influence.

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<sup>119</sup> Osberne, p. 102. "Wallingford," p. 541,]

<sup>120</sup> Spel. Concil. vol. i. p. 452.]

The monks knew how to avail themselves of all these popular topics, and to set off their own character to the best advantage. They affected the greatest austerity of life and manners; they indulged themselves in the highest strains of devotion; they inveighed bitterly against the vices and pretended luxury of the age; they were particularly vehement against the dissolute lives of the secular clergy, their rivals; every instance of libertinism in any individual of that order was represented as a general corruption; and where other topics of defamation were wanting, their marriage became a sure subject of invective, and their wives received the name of concubine, or other more opprobrious appellation. The secular clergy, on the other hand, who were numerous and rich, and possessed of the ecclesiastical dignities, defended themselves with vigor and endeavored to retaliate upon their adversaries. The people were thrown into agitation; and few instances occur of more violent dissensions, excited by the most material differences in religion; or rather by the most frivolous; since it is a just remark, that the more affinity there is between theological parties, the greater commonly is their animosity.

The progress of the monks, which was become considerable, was somewhat retarded by the death of Edred, their partisan, who expired after a reign of nine years. He left children; but as they were infants, his nephew Edwy, son of Edmund, was placed on the throne.

## **EDWY**

Edwy, at the time of his accession, was not above sixteen or seventeen <sup>955</sup>. years of age, was possessed of the most amiable figure, and was even endowed, according to authentic accounts, with the most promising virtues.<sup>123</sup> He would have been the favorite of his people, had he not unhappily, at the commencement of his reign, been engaged in a controversy with the monks, whose rage neither the graces of the body nor

virtues of the mind could mitigate, and who have pursued his memory with the same unrelenting vengeance, which they exercised against his person and dignity during his short and unfortunate reign. There was a beautiful princess of the royal blood, called Elgiva, who had made impression on the tender heart of Edwy; and as he was of an age when the force of the passions first begins to be felt, he had ventured, contrary to the advice of his gravest counsellors, and the remonstrances of the more dignified ecclesiastics,<sup>124</sup> to espouse her; though she was within the degrees of affinity prohibited by the canon law.<sup>125</sup>

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<sup>121</sup> Chron. Sax. p, 115.]

<sup>122</sup> H. Hunting, lib. v. p. 356.]

<sup>123</sup> W. Malms. lib. ii. cap. 7.]

As the austerity affected by the monks made them particularly violent on this occasion, Edwy entertained a strong prepossession against them; and seemed, on that account, determined not to second their project of expelling the seculars from all the convents, and of possessing themselves of those rich establishments. War was therefore declared between the king and the monks; and the former soon found reason to repent his provoking such dangerous enemies. On the day of his coronation, his nobility were assembled in a great hall, and were indulging themselves in that riot and disorder, which, from the example of their German ancestors, had become habitual to the English;<sup>126</sup> when Edwy, attracted by softer pleasures, retired into the queen's apartment, and in that privacy gave reins to his fondness towards his wife, which was only moderately checked by the presence of her mother. Dunstan conjectured the reason of the king's retreat; and, carrying along with him Odo, archbishop of Canterbury, over whom he had gained an absolute ascendant, he burst into the apartment, upbraided Edwy with his lasciviousness, probably bestowed on the queen the most opprobrious epithet that can be applied to her sex, and tearing him from her arms, pushed him back, in a disgraceful manner, into the banquet of the nobles.<sup>127</sup> Edwy, though young, and opposed by the prejudices of the people, found an opportunity of taking revenge for this

public insult. He questioned Dunstan concerning the administration of the treasury during the reign of his predecessor;<sup>128</sup> and when that minister refused to give any account of money expended, as he affirmed, by orders of the late king, he accused him of malversation in his office, and banished him the kingdom. But Dunstan's cabal was not inactive during his absence: they filled the public with high panegyrics on his sanctity: they exclaimed against the impiety of the king and queen; and having poisoned the minds of the people by these declamations, they proceeded to still more outrageous acts of violence against the royal authority. Archbishop Odo sent into the palace a party of soldiers, who seized the queen; and having burned her face with a rod-hot iron, in order to destroy that fatal beauty which had seduced Edwy, they carried her by force into Ireland, there to remain in perpetual exile.<sup>129</sup> Edwy, finding it in vain to resist, was obliged to consent to his divorce, which was pronounced by Odo;<sup>130</sup> and a catastrophe still more dismal awaited the unhappy Elgiva. That amiable princess being cured of her wounds, and having even obliterated the scars with which Odo had hoped to deface her beauty, returned into England, and was flying to the embraces of the king, whom she still regarded as her husband; when she fell into the hands of a party whom the primate had sent to intercept her. Nothing but her death could now give security to Odo and the monks, and the most cruel death was requisite to satiate their vengeance. She was hamstrung; and expired a few days after at Gloucester in the most acute torments.<sup>131</sup>

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<sup>124</sup> Wallingford, p. 542.]

<sup>125</sup> W. Malm's, lib. ii. cap. 7. Osberne, p. 83, 105. M. West. p. 195, 196.]

<sup>126</sup> Wallingford, p. 542. Alured. Beverl. p. 112.]

<sup>127</sup> Osberne, p. 84. Gervase, p. 1644.]

<sup>128</sup> Osberne, p. 84. Gervase, p. 1645, 1646]

The English, blinded with superstition, instead of being shocked with this inhumanity, exclaimed that the misfortunes of Edwy and his consort were a just judgment for their dissolute contempt of the ecclesiastical statutes.

They even proceeded to rebellion against their sovereign; and having placed Edgar at their head, the younger brother of Edwy, a boy of thirteen years of age, they soon put him in possession of Mercia, Northumberland, East Anglia, and chased Edwy into the southern counties. That it might not be doubtful at whose instigation this revolt was undertaken, Dunstan returned into England, and took upon him the government of Edgar and his party. He was first installed in the see of Worcester, then in that of London,<sup>132</sup> and, on Odo's death, and the violent expulsion of Brithelm, his successor, in that of Canterbury;<sup>133</sup> of all which he long kept possession. Odo is transmitted to us by the monks under the character of a man of piety: Dunstan was even canonized; and is one of those numerous saints of the same stamp, who disgrace the Romish calendar. Meanwhile the unhappy Edwy was excommunicated,<sup>134</sup> and pursued with unrelenting vengeance; but his death, which happened soon after, freed his enemies from all further inquietude, and gave Edgar peaceable possession of the government.<sup>135</sup>

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<sup>129</sup> Chron. Sax. p. 117. Flor. Wigorn. p. 605. Wallingford, p. 544]

<sup>130</sup> Hoveden, p. 425. Osberne, p. 109.]

<sup>131</sup> Brompton, p. 863.]

<sup>132</sup> There is a seeming contradiction in ancient historians with regard to some circumstances in the story of Edwy and Elgiva. It is agreed, that this prince had a violent passion for his second or third cousin, Elgiva, whom he married, though within the degrees prohibited by the canons. It is also agreed, that he was dragged from a lady on the day of his coronation, and that the lady was afterwards treated with the singular barbarity above mentioned. The only difference is, that Osborne and some others call her his strumpet, not his wife, as she is said to be by Malmsbury. But this difference is easily reconciled for if Edwy married her contrary to the canons, the monks would be sure to deny her to be his wife, and would insist that she could be nothing but his strumpet: so that, on the whole, we may esteem this representation of the matter as certain; at least, as by far the most probable. If Edwy had only kept a mistress, it is well known, that there are methods of accommodation with the church, which would have prevented the clergy from proceeding to such extremities against him: but his marriage, contrary to the canons, was an insult on their authority, and called for their highest resentment.]

## EDGAR

This prince, who mounted the throne in such early youth, soon <sup>959</sup> discovered an excellent capacity in the administration of affairs, and his reign is one of the most fortunate that we meet with in the ancient English history. He showed no aversion to war; he made the wisest preparations against invaders; and, by this vigor and foresight, he was enabled without any danger of suffering insults, to indulge his inclination towards peace, and to employ himself in supporting and improving the internal government of his kingdom. He maintained a body of disciplined troops; which he quartered in the north, in order to keep the mutinous Northumbrians in subjection, and to repel the inroads of the Scots. He built an supported a powerful navy;<sup>136</sup> and that he might retain the seamen in the practice of their duty, and always present a formidable armament to his enemies, he stationed three squadrons off the coast, and ordered them to make, from time to time, the circuit of his dominions.<sup>137</sup> The foreign Danes dared not to approach a country which appeared in such a posture of defence: the domestic Danes saw inevitable destruction to be the consequence of their tumults and insurrections: the neighboring sovereigns, the king of Scotland, the princes of Wales, of the Isle of Man, of the Orkneys, and even of Ireland,<sup>138</sup> were reduced to pay submission to so formidable a monarch. He carried his superiority to a great height, and might have excited a universal combination against him, had not his power been so well established, as to deprive his enemies of hopes of shaking it It is said, that residing once at Chester, and having purposed to go by water to the abbey of St. John the Baptist, he obliged eight of his tributary princes to row him in a barge upon the Dee.<sup>139</sup> The English historians are fond of mentioning the name of Kenneth III., king of Scots, among the number: the Scottish historians either deny the fact, or assert that their king, if ever he acknowledged himself a vassal to Edgar, did him homage, not for his crown, but for the dominions which he held in England.

But the chief means by which Edgar maintained his authority, and preserved public peace, was the paying of court to Dunstan and the monks, who had at first placed him on the throne, and who, by their pretensions to superior sanctity and purity of manners, had acquired an ascendant over

the people. He favored their scheme for dispossessing the secular canons of all the monasteries;<sup>140</sup> he bestowed preferment on none but their partisans; he allowed Dunstan to resign the see of Worcester into the hands of Oswald, one of his creatures; <sup>141</sup> and to place Ethelwold, another of them, in that of Winchester;<sup>142</sup> he consulted these prelates in the administration of all ecclesiastical and even in that of many civil affairs; and though the vigor of his own genius prevented him from being implicitly guided by them, the king and the bishops found such advantages in their mutual agreement, that they always acted in concert, and united their influence in preserving the peace and tranquillity of the kingdom.

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<sup>133</sup> Higden, p. 265.]

<sup>134</sup> Many of the English historians make Edgar's ships amount to an extravagant number, to three thousand or three thousand six hundred. See Hoveden, p. 426. Flor. Wigorn, p. 607. Abbas Rieval, p. 360. Brompton (p. 869) says that Edgar had four thousand vessels. How can these accounts be reconciled to probability, and to the state of the navy in the time of Alfred? W. Thorne makes the whole number amount only to three hundred, which is more probable. The fleet of Ethelred, Edgar's son, must have been short of a thousand ships; yet the Saxon Chronicle (p. 137) says it was the greatest navy that ever had been seen in England.]

<sup>135</sup> Spel. Concil. p. 432.]

<sup>136</sup> W. Malms, lib. ii. cap. 8. Hoveden, p. 406. H. Hunting, lib. v.p. 356].

<sup>137</sup> cap. 8. Hoveden, p. 425, 426. Osberne, p. 112.]

<sup>138</sup> W. Malms. lib. ii. cap. 8. Hoveden, p. 425.]

<sup>139</sup> Gervase, p. 1646. Brompton, p. 864, Flor. Wigorn. p. 606. Chron. Abb. St. Petri de Burgo, p. 27, 28.]

In order to complete the great work of placing the new order of monks in all the convents, Edgar summoned a general council of the prelates, and the heads of the religious orders. He here inveighed against the dissolute lives of the secular clergy; the smallness of their tonsure, which, it is probable, maintained no longer any resemblance to the crown of thorns; their negligence in attending the exercise of their function; their mixing with the laity in the pleasures of gaming, hunting, dancing, and singing;



and their openly living with concubines, by which it is commonly supposed he meant their wives. He then turned himself to Dunstan, the primate; and in the name of King Edred, whom he supposed to look down from heaven with indignation against all those enormities, he thus addressed him: "It is you, Dunstan, by whose advice I founded monasteries, built churches, and expended my treasure in the support of religion and religious houses. You were my counsellor and assistant in all my schemes: you were the director of my conscience: to you I was obedient in all things. When did you call for supplies, which I refused you? Was my assistance ever wanting to the poor? Did I deny support and establishments to the clergy and the convents? Did I not hearken to your instructions, who told me that these charities were, of all others, the most grateful to my Maker, and fixed a perpetual fund for the support of religion? And are all our pious endeavors now frustrated by the dissolute lives of the priests? Not that I throw any blame on you: you have reasoned, besought, inculcated, inveighed; but it now behoves you to use sharper and more vigorous remedies; and conjoining your spiritual authority with the civil power, to purge effectually the temple of God from thieves and intruders."<sup>143</sup>.....

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<sup>140</sup>..... Abbas Rieval. p. 360, 361. Spel. Concil. p. 476, 477, 478.]

It is easy to imagine that this harangue had the desired effect; and that, when the king and prelates thus concurred with popular prejudices, it was not long before the monks prevailed, and established their new discipline in almost all the convents.

We may remark, that the declamations against the secular clergy are, both here and in all the historians, conveyed in general terms; and as that order of men are commonly restrained by the decency of their character, it is difficult to believe that the complaints against their dissolute manners could be so universally just as is pretended. It is more probable that the monks paid court to the populace by an affected austerity of life; and representing the most innocent liberties taken by the other clergy as great and unpardonable enormities, thereby prepared the way for the increase of their own power and influence. Edgar, however, like a true politician, concurred with the prevailing party; and he even indulged them in

pretensions, which, though they might, when complied with, engage the monks to support royal authority during his own reign, proved afterwards dangerous to his successors, and gave disturbance to the whole civil power. He seconded the policy of the court of Rome, in granting to some monasteries an exemption from episcopal jurisdiction; he allowed the convents, even those of royal foundation, to usurp the election of their own abbot; and he admitted their forgeries of ancient charters, by which, from the pretended grant of former kings, they assumed many privileges and immunities.<sup>144</sup>

These merits of Edgar have procured him the highest panegyrics from the monks; and he is transmitted to us, not only under the character of a consummate statesman and an active prince,—praises to which beseems to have been justly entitled,—but under that of a great saint and a man of virtue. But nothing could more betray both his hypocrisy in inveighing against the licentiousness of the secular clergy, and the interested spirit of his partisans in bestowing such eulogies on his piety, than the usual tenor of his conduct, which was licentious to the highest degree, and violated every law, human and divine. Yet those very monks, who, as we are told by Ingulf, a very ancient historian, had no idea of any moral or religious merit, except chastity and obedience, not only connived at his enormities, but loaded him with the greatest praises. History, however, has preserved some instances of his amours, from which, as from a specimen, we may form a conjecture of the rest.

Edgar broke into a convent, carried off Editha, a nun, by force, and even committed violence on her person.<sup>145</sup>

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<sup>141</sup> Chron. Sax. p. 118. W. Malms, lib. ii. cap. 8. Seldom Spicileg, ad Eadm. p. 149, 157.]

<sup>142</sup> W. Malms, lib. ii cap. 8. Osberne, p. 3. Diceto, p. 457. Higden, p. 265, 267, 268. Spel. Concil. p. 481.]

For this act of sacrilege he was reprimanded by Dunstan; and that he might reconcile himself to the church, he was obliged, not to separate from his mistress, but to abstain from wearing his crown during seven years, and to deprive himself so long of that vain ornament;<sup>146</sup> a punishment very

unequal to that which had been inflicted on the unfortunate Edwy, who, for a marriage, which in the strictest sense could only deserve the name of irregular, was expelled his kingdom, saw his queen treated with singular barbarity, was loaded with calumnies, and has been represented to us under the most odious colors. Such is the ascendant which may be attained, by hypocrisy and cabal, over mankind.

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<sup>143</sup> Osberne, p. 111.]

There was another mistress of Edgar's, with whom he first formed a connection by a kind of accident. Passing one day by Andover, he lodged in the house of a nobleman, whose daughter, being endowed with all the graces of person and behavior, inflamed him at first sight with the highest desire; and he resolved by any expedient to gratify it. As he had not leisure to employ courtship or address for attaining his purpose, he went directly to her mother, declared the violence of his passion, and desired that the young lady might be allowed to pass that very night with him. The mother was a woman of virtue, and determined not to dishonor her daughter and her family by compliance; but being well acquainted with the impetuosity of the king's temper, she thought it would be easier, as well as safer, to deceive than refuse him. She feigned therefore a submission to his will; but secretly ordered a waiting maid, of no disagreeable figure, to steal into the king's bed, after all the company should be retired to rest. In the morning, before daybreak, the damsel, agreeably to the injunctions of her mistress, offered to retire; but Edgar, who had no reserve in his pleasures, and whose love to his bed-fallow was rather inflamed by enjoyment, refused his consent, and employed force and entreaties to detain her. Elfreda (for that was the name of the maid) trusting to her own charms, and to the love with which, she hoped, she had now inspired the king, made probably but a faint resistance; and the return of light discovered the deceit to Edgar. He had passed a night so much to his satisfaction, that he expressed no displeasure with the old lady on account of her fraud; his love was transferred to Elfreda; she became his favorite mistress, and maintained her ascendant over him, till his marriage with Elfrida.<sup>147</sup>

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The circumstances of his marriage with this lady were more singular and more criminal. Elfrida was daughter and heir of Olgar, earl of Devonshire; and though she had been educated in the country, and had never appeared at court, she had filled all England with the reputation of her beauty. Edgar himself, who was indifferent to no accounts of this nature, found his curiosity excited by the frequent panegyrics which he heard of Elfrida; and reflecting on her noble birth, he resolved, if he found her charms answerable to their fame, to obtain possession of her on honorable terms. He communicated his intention to Earl Athelwold, his favorite, but used the precaution, before he made any advances to her parents, to order that nobleman, on some pretence, to pay them a visit, and to bring him a certain account of the beauty of their daughter. Athelwold, when introduced to the young lady, found general report to have fallen short of the truth; and being actuated by the most vehement love, he determined to sacrifice to this new passion his fidelity to his master, and to the trust reposed in him. He returned to Edgar, and told him, that the riches alone, and high quality of Elfrida, had been the ground of the admiration paid her, and that her charms, far from being any wise extraordinary would have been overlooked in a woman of inferior station. When he had, by this deceit, diverted the king from his purpose he took an opportunity, after some interval, of turning again the conversation on Elfrida; he remarked, that though the parentage and fortune of the lady had not produced on him, as on others, any illusion with regard to her beauty, he could not forbear reflecting, that she would, on the whole, be an advantageous match for him, and might, by her birth and riches, make him sufficient compensation for the homeliness of her person. If the king, therefore, gave his approbation he was determined to make proposals in his own behalf to the earl of Devonshire, and doubted not to obtain his, as well as the young lady's, consent to the marriage. Edgar, pleased with an expedient for establishing his favorite's fortune, not only exhorted him to execute his purpose but forwarded his success by his recommendations to the parents of Elfrida; and Athelwold was soon made happy in the possession of his mistress. Dreading, however, the detection of the artifice, he employed

every pretence for detaining Elfrida in the country, and for keeping her at a distance from Edgar.

The violent passion of Athelwold had rendered him blind to the necessary consequences which must attend his conduct, and the advantages which the numerous enemies, that always pursue a royal favorite, would, by its means, be able to make against him. Edgar was soon informed of the truth; but before he would execute vengeance on Athelwold's treachery, he resolved to satisfy himself, with his own eyes, of the certainty and full extent of his guilt. He told him that he intended to pay him a visit in his castle, and be introduced to the acquaintance of his new-married wife; and Athelwold, as he could not refuse the honor, only craved leave to go before him a few hours, that he might the better prepare every thing for his reception. He then discovered the whole matter to Elfrida; and begged her, if she had any regard either to her own honor or his life, to conceal from Edgar, by every circumstance of dress and behavior, that fatal beauty which had seduced him from fidelity to his friend, and had betrayed him into so many falsehoods. Elfrida promised compliance, though nothing was farther from her intentions. She deemed herself little beholden to Athelwold for a passion which had deprived her of a crown; and knowing the force of her own charms, she did not despair, even yet, of reaching that dignity, of which her husband's artifice had bereaved her. She appeared before the king with all the advantages which the richest attire, and the most engaging airs, could bestow upon her, and she excited at once in his bosom the highest love towards herself, and the most furious desire of revenge against her husband. He knew, however, how to dissemble these passions; and seducing Athelwold into a wood, on pretence of hunting, he stabbed him with his own hand, and soon after publicly espoused Elfrida.<sup>148</sup>

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<sup>145</sup> W. Malms, lib. ii. cap. 8. Hoveden, p. 426. Brompton, p. 865, 866. Flor. Wigorn. p. 606. Higden, p. 268.]

Before we conclude our account of this reign, we must mention two circumstances, which are remarked by historians. The reputation of Edgar

allured a great number of foreigners to visit his court; and he gave them encouragement to settle in England.<sup>149</sup>

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<sup>146</sup> Chron. Sax. p. 116. H. Hunting, lib. v. p. 356. Brompton, p. 865.]

We are told that they imported all the vices of their respective countries, and contributed to corrupt the simple manners of the natives;<sup>150</sup> but as this simplicity of manners so highly and often so injudiciously extolled, did not preserve them from barbarity and treachery, the greatest of all vices, and the most incident to a rude, uncultivated people, we ought perhaps to deem their acquaintance with foreigners rather an advantage; as it tended to enlarge their views, and to cure them of those illiberal prejudices and rustic manners to which islanders are often subject.

Another remarkable incident of this reign was the extirpation of wolves from England. This advantage was attained by the industrious policy of Edgar. He took great pains in hunting and pursuing those ravenous animals; and when he found that all that escaped him had taken shelter in the mountains and forests of Wales, he changed the tribute of money imposed on the Welsh princes of Athelstan, his predecessor,<sup>151</sup> into an annual tribute of three hundred heads of wolves; which produced such diligence in hunting them, that the animal has been no more seen in this island.

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<sup>147</sup> W. Malms, lib. ii. cap. 8.]

<sup>148</sup> W. Malms, lib. ii. cap. 6. Brompton, p. 838,]

Edgar died after a reign of sixteen years, and in the thirty-third of his age. He was succeeded by Edward, whom he had by his first marriage with the daughter of Earl Ordmer.

## **EDWARD THE MARTYR**

The succession of this prince, who was only fifteen years of age at his father's death, did not take place without much difficulty and opposition. Elfrida, his step-mother, had a son, Ethelred, seven years old, whom she attempted to raise to the throne: she affirmed that Edgar's marriage with the mother of Edward was exposed to insuperable objections; and as she had possessed great credit with her husband, she had found means to acquire partisans, who seconded all her pretensions. But the title of Edward was supported by many advantages. He was appointed successor by the will of his father;<sup>152</sup> he was approaching to man's estate, and might soon be able to take into his own hands the reins of government; the principal nobility, dreading the imperious temper of Clirida, were averse to her son's government, which must enlarge her authority, and probably put her in possession of the regency; above all, Dunstan, whose character of sanctity had given him the highest credit with the people, had espoused the cause of Edward, over whom he had already acquired a great ascendant;<sup>153</sup> and he was determined to execute the will of Edgar in his favor. To cut off all opposite pretensions, Dunstan resolutely anointed and crowned the young prince at Kingston; and the whole kingdom, without further dispute, submitted to him.<sup>154</sup>

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<sup>149</sup> Hoveden, p. 427. Eadmer p. 3.]

<sup>150</sup> Eadmer, p. 3.]

<sup>151</sup> W. Malms, lib. ii cap. 9. Hoveden, p. 427. Osberne, p. 113.]

It was of great importance to Dunstan and the monks to place on the throne a king favorable to their cause; the secular clergy had still partisans in England, who wished to support them in the possession of the convents, and of the ecclesiastical authority. On the first intelligence of Edgar's death, Alfer, duke of Mercia, expelled the new orders of monks from all the monasteries which lay within his jurisdiction;<sup>155</sup> but Elfwin, duke of East Anglia, and Brithnot, duke of the East Saxons, protected them within their territories, and insisted upon the execution of the late laws enacted in their favor. In order to settle this controversy, there were summoned several synods, which, according to the practice of those times, consisted

partly of ecclesiastical members, partly of the lay nobility. The monks were able to prevail in these assemblies; though, as it appears, contrary to the secret wishes, if not the declared inclination, of the leading men in the nation.<sup>156</sup> They had more invention in forging miracles to support their cause; or having been so fortunate as to obtain, by their pretended austerities, the character of piety, their miracles were more credited by the populace.

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<sup>152</sup> Chron. Sax. p. 123. W. Malms, lib. ii. cap. 9. Hoveden, p. 427 Brompton, p. 870. Flor. Wigorn. p, 307.]

<sup>153</sup> W. Malms. lib. ii. cap. 9.]

In one synod, Dunstan, finding the majority of votes against him, rose up, and informed the audience, that he had that instant received an immediate revelation in behalf of the monks: the assembly was so astonished at this intelligence, or probably so overawed by the populace, that they proceeded no farther in their deliberations. In another synod, a voice issued from the crucifix, and informed the members that the establishment of the monks was founded on the will of Heaven and could not be opposed without impiety.<sup>157</sup> But the miracle performed in the third synod was still more alarming: the floor of the hall in which the assembly met, sunk of a sudden, and a great number of the members were either bruised or killed by the fall. It was remarked, that Dunstan had that day prevented the king from attending the synod, and that the beam on which his own chair stood was the only one that did not sink under the weight of the assembly;<sup>158</sup> but these circumstances, instead of begetting any suspicion of contrivance, were regarded as the surest proof of the immediate interposition of Providence in behalf of those favorites of Heaven.

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<sup>154</sup> W. Malms, lib. ii. cap. 9. Osberne, p. 112. Gervase, p. 1647, Brompton, p. 870. Higden, p. 269.]



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<sup>155</sup> Chron. Sax. p. 124. W. Malms, lib. ii. cap. 9. Hoveden, p. 427. H. Hunting, lib. v. p. 357. Gervase, p. 1647. Brompton, p. 870. Flor. Wigorn. p. 607 Higden, p 269. Chron. Abb. St. Petri de Burgo, p. 29]

Edward lived four years after his accession, and there passed nothing memorable during his reign. His death alone was memorable and tragical.<sup>159</sup>

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<sup>156</sup> Chron. Sax. p. 124.]

This young prince was endowed with the most amiable innocence of manners; and as his own intentions were always pure, he was incapable of entertaining any suspicion against others. Though his step-mother had opposed his succession, and had raised a party in favor of her own son, he always showed her marks of regard, and even expressed, on all occasions, the most tender affection towards his brother. He was hunting one day in Dorsetshire, and being led by the chase near Corfe Castle, where Elfrida resided, he took the opportunity of paying her visit, unattended by any of his retinue, and he thereby presented her with the opportunity which she had long wished for. After he had mounted his horse, he desired some liquor to be brought him: while he was holding the cup to his head, a servant of Elfrida approached him, and gave him a stab behind. The prince, finding himself wounded, put spurs to his horse; but becoming faint by loss of blood, he fell from the saddle, his foot stuck in the stirrup, and he was dragged along by his unruly horse till he expired. Being tracked by the blood, his body was found, and was privately interred at Wereham by his servants.

The youth and innocence of this prince, with his tragical death, begat such compassion among the people, that they believed miracles to be wrought at his tomb; and they gave him the appellation of *martyr*, though his murder had no connection with any religious principle or opinion. Elfrida built monasteries, and performed many penances, in order to atone for her guilt; but could never, by all her hypocrisy or remorse,

recover the good opinion of the public, though so easily deluded in those ignorant ages.



## CHAPTER 3.

### ETHELRED

THE freedom which England had so long enjoyed from the depredations <sup>978</sup> of the Danes, seems to have proceeded, partly from the establishments which that piratical nation had obtained in the north of France, and which employed all then superfluous hands to people and maintain them; partly from the vigor and warlike spirit of a long race of English princes, who preserved the kingdom in a posture of defence, by sea and land, and either prevented or repelled every attempt of the invaders. But a new generation of men being now sprung up in the northern regions, who could no longer disburden themselves on Normandy, the English had reason to dread that the Danes would again visit an island to which they were invited, both by the memory of their past successes, and by the expectation of assistance from their countrymen, who, though long established in the kingdom, were not yet thoroughly incorporated with the natives, nor had entirely forgotten their inveterate habits of war and depredation. And as the reigning prince was a minor, and even when he attained to man's estate, never discovered either courage or capacity sufficient to govern his own subjects, much less to repel a formidable enemy, the people might justly apprehend the worst calamities from so dangerous a crisis.

The Danes, before they durst attempt any important enterprise against <sup>981</sup> England, made an inconsiderable descent by way of trial; and having landed from seven vessels near Southamptom, they ravaged the country, enriched themselves by spoil, and departed with impunity. Six years after, they made a like attempt in the west, and met with like success. The invaders, having now found affairs in a very different situation from that in which they formerly appeared, encouraged their countrymen to assemble a greater force, and to hope for more considerable advantages.

They landed in Essex, under the command of two leaders; and having <sup>991</sup> defeated and slain, at Maldon, Brithnot, duke of that county, who ventured with a small body to attack them, they spread their devastations over all the neighboring provinces. In this extremity, Ethelred, to whom historians give the epithet of the *Unready*, instead of rousing his people to defend

with courage their honor and their property, hearkened to the advice of Siricius, archbishop of Canterbury, which was seconded by many of the degenerate nobility; and paying the enemy the sum of ten thousand pounds, he bribed them to depart the kingdom. This shameful expedient was attended with the success which might be expected. The Danes next year appeared off the eastern coast, in hopes of subduing a people who defended themselves by their money, which invited assailants, instead of their arms, which repelled them. But the English, sensible of their folly, had in the interval assembled in a great council, and had determined to collect at London a fleet able to give battle to the enemy;<sup>1</sup> though that judicious measure failed of success, from the treachery of Alfric, duke of Mercia, whose name is infamous in the annals of that age, by the calamities which his repeated perfidy brought upon his country. This nobleman had, in 983, succeeded to his father, Alfer, in that extensive command; but, being deprived of it two years after, and banished the kingdom, he was obliged to employ all his intrigue, and all his power, which was too great for a subject, to be restored to his country, and reinstated in his authority. Having had experience of the credit and malevolence of his enemies, he thenceforth trusted for security, not to his services, or to the affections of his fellow-citizens, but to the influence which he had obtained over his vassals, and to the public calamities, which he thought must, in every revolution, render his assistance necessary. Having fixed this resolution, he determined to prevent all such successes as might establish the royal authority, or render his own situation dependent or precarious. As the English had formed the plan of surrounding and destroying the Danish fleet in harbor, he privately informed the enemy of their danger; and when they put to sea, in consequence of this intelligence, he deserted to them, with the squadron under his command, the night before the engagement, and thereby disappointed all the efforts of his countrymen.<sup>2</sup> Ethelred, enraged at his perfidy, seized his son Alfgar, and ordered his eyes to be put out.<sup>3</sup>

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<sup>1</sup> Chron. Sax. p. 126.]

<sup>2</sup> Chron. Sax. p. 127. W. Malms, p. 62. Higden, p. 270.]

<sup>3</sup> Chron. Sax. p. 128. W. Malms, p. 62.]

But such was the power of Alfric, that he again forced himself into authority; and though he had given this specimen of his character, and received this grievous provocation, it was found necessary to intrust him anew with the government of Mercia. This conduct of the court, which, in all its circumstances, is so barbarous, weak, and imprudent both merited and prognosticated the most grievous calamities.

The northern invaders, now well acquainted with the defenceless <sup>993</sup> condition of England, made a powerful descent under the command of Sweyn, king of Denmark, and Olave king of Norway; and sailing up the Humber, spread on all sides their destructive ravages. Lindesey was laid waste; Banbury was destroyed; and all the Northumbrians, though mostly of Danish descent, were constrained either to join the invaders, or to suffer under their depredations. A powerful army was assembled to oppose the Danes, and a general action ensued; but the English were deserted in the battle, from the cowardice or treachery of their three leaders, all of them men of Danish race, Frena, Frithegist, and Godwin, who gave the example of a shameful flight to the troops under their command.

Encouraged by this success, and still more by the contempt which it inspired for their enemy, the pirates ventured to attack the centre of the kingdom; and entering the Thames in ninety-four vessels, laid siege to London, and threatened it with total destruction. But the citizens, alarmed at the danger, and firmly united among themselves, made a bolder defence than the cowardice of the nobility and gentry gave the invaders reason to apprehend; and the besiegers, after suffering the greatest hardships, were finally frustrated in their attempt. In order to revenge themselves, they laid waste Essex, Sussex, and Hampshire; and having there procured horses, they were thereby enabled to spread through the more inland counties the fury of their depredations. In this extremity, Ethelred and his nobles had recourse to the former expedient; and sending ambassadors to the two northern kings, they promised them subsistence and tribute, on condition they would, for the present, put an end to their ravages, and soon after depart the kingdom. Sweyn and Olave agreed to the terms, and peaceably took up their quarters at Southampton, where the sum of sixteen thousand pounds was paid to them. Olave even made a journey to

Andover, where Ethelred resided; and he received the rite of confirmation from the English bishops, as well as many rich presents from the king. He here promised that he would never more infest the English territories; and he faithfully fulfilled the engagement. This prince receives the appellation of St. Olave from the church of Rome; and, notwithstanding the general presumption, which lies either against the understanding or morals of every one who in those ignorant ages was dignified with that title, he seems to have been a man of merit and of virtue, Sweyn, though less scrupulous than Olave, was constrained, upon the departure of the Norwegian prince, to evacuate also the kingdom, with all his followers.

This composition brought only a short interval to the miseries of the 997. English. The Danish pirates appeared soon after in the Severn; and having committed spoil in Wales, as well as in Cornwall and Devonshire, they sailed round to the south coast, and entering the Tamar, completed the devastation of these two counties. They then returned to the Bristol Channel; and penetrating into the country by the Avon, spread themselves over all that neighborhood, and carried fire and sword even into Dorsetshire. They next changed the seat of war; and after ravaging the Isle of Wight, they entered the Thames and Medway, and laid siege to Rochester, where they defeated the Kentish men in a pitched battle. After this victory, the whole province of Kent was made a scene of slaughter, fire, and devastation. The extremity of these miseries forced the English into counsels for common defence, both by sea and land; but the weakness of the king, the divisions among the nobility, the treachery of some, the cowardice of others, the want of concert in all, frustrated every endeavor; their fleets and armies either came too late to attack the enemy, or were repulsed with dishonor; and the people were thus equally ruined by resistance or by submission. The English, therefore, destitute both of prudence and unanimity in council, of courage and conduct in the field, had recourse to the same weak expedient which, by experience, they had already found so ineffectual: they offered the Danes to buy peace, by paying them a large sum of money, These ravagers rose continually in their demands; and now required the payment of twenty-four thousand pounds, to which the English were so mean and imprudent as to submit.<sup>4</sup>...

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<sup>4</sup> ... Hoveden, p. 429. Chron. Malm. p. 153.]

The departure of the Danes procured them another short interval of repose, which they enjoyed as if it were to be perpetual without making any effectual preparations for a more vigorous resistance upon the next return of the enemy.

Besides receiving this sum, the Danes were engaged by another motive to depart a kingdom which appeared so little in a situation to resist their efforts. They were invited over by their countrymen in Normandy, who at this time were hard pressed by the arms of Robert, king of France, and who found it difficult to defend the settlement, which, with so much advantage to themselves, and glory to their nation, they had made in that country. It is probable, also, that Ethelred, observing the close connections thus maintained among all the Danes, however divided in government or situation, was desirous of forming an alliance with that formidable people. For this purpose, being now a widower, he made his addresses to Emma, sister to Richard II., duke of Normandy, and he soon succeeded in his negotiation. The princess came over this year to England, and was married to Ethelred.<sup>5</sup>

1001.

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<sup>5</sup> ... H, Hunting, p. 359. Higden, p. 271.]

In the end of the ninth and beginning of the tenth century—when the north, not yet exhausted by that multitude of people, or rather nations, which she had successively emitted, sent forth a new race, not of conquerors, as before, but of pirates and ravagers, who infested the countries possessed by her once warlike sons—lived Rollo, a petty prince or chieftain in Denmark, whose valor and abilities soon engaged the attention of his countrymen. He was exposed in his youth to the jealousy of the king of Denmark, who attacked his small but independent principality, and who, being foiled in every assault, had recourse at last to perfidy for effecting his purpose, which he had often attempted in vain by force of arms.<sup>6</sup>

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<sup>6</sup> Dudo, ex edit. Duchesne, p. 70, 71. Gul. Gemeticenia, lib. ii, cap. 2, 3.]

He lulled Rollo into security by an insidious peace and falling suddenly upon him, murdered his brother and his bravest officers, and forced him to fly for safety into Scandinavia. Here many of his ancient subjects, induced partly by affection to their prince, partly by the oppressions of the Danish monarch, ranged themselves under his standard, and offered to follow him in every enterprise. Rollo, instead of attempting to recover his paternal dominions, where he must expect a vigorous resistance from the Danes, determined to pursue an easier but more important undertaking, and to make his fortune, in imitation of his countrymen, by pillaging the richer and more southern coasts of Europe. He collected a body of troops, which, like that of all those ravagers, was composed of Norwegians, Swedes, Frisians, Danes, and adventurers of all nations, who being accustomed to a roving, unsettled life, took delight in nothing but war and plunder. His reputation brought him associates from all quarters; and a vision, which he pretended to have appeared to him in his sleep, and which, according to his interpretation of it, prognosticated the greatest successes, proved also a powerful incentive with those ignorant and superstitious people.<sup>7</sup>

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<sup>7</sup> Dudo, p. 71. Gul. Gemet. in epist. ad Gul. Conq.]

The first attempt made by Rollo was on England, near the end of Alfred's reign, when that great monarch, having settled Guthrum and his followers in East Anglia, and others of those freebooters in Northumberland, and having restored peace to his harassed country, had established the most excellent military, as well as civil, institutions among the English. The prudent Dane, finding that no advantages could be gained over such a people, governed by such a prince, soon turned his enterprises against France, which he found more exposed to his inroads;<sup>8</sup> and during the reigns of Eudes, a usurper, and of Charles the Simple, a weak prince, he committed the most destructive ravages, both on the inland and maritime



provinces of that kingdom. The French, having no means of defence against a leader who united all the valor of his countrymen with the policy of more civilized nations, were obliged to submit to the expedient practised by Alfred, and to offer the invaders a settlement in some of those provinces which they had depopulated by their arms.<sup>9</sup>

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<sup>8</sup> Gul Gemet lib. ii. cap 6.]

<sup>9</sup> Dudo, p. 82.]

The reason why the Danes, for many years, pursued measures so different from those which had been embraced by the Goths, Vandals, Franks, Burgundians, Lombards, and other northern conquerors, was the great difference in the method of attack which was practised by these several nations, and to which the nature of their respective situations necessarily confined them. The latter tribes, living in an inland country, made incursions by land upon the Roman empire; and when they entered far into the frontiers, they were obliged to carry along with them their wives and families, whom they had no hopes of soon revisiting, and who could not otherwise participate of their plunder. This circumstance quickly made them think of forcing a settlement in the provinces which they had overrun: and these barbarians, spreading themselves over the country, found an interest in protecting the property and industry of the people whom they had subdued. But the Danes and Norwegians, invited by their maritime situation, and obliged to maintain themselves in their uncultivated country by fishing, had acquired some experience of navigation; and, in their military excursions, pursued the method practised against the Roman empire by the more early Saxons. They made descents in small bodies from their ships, or rather boats, and ravaging the coasts, returned with the booty to their families, whom they could not conveniently carry along with them in those hazardous enterprises. But when they increased their armaments, made incursions into the inland countries, and found it safe to remain longer in the midst of the enfeebled enemy, they had been accustomed to crowd their vessels with their wives and children, and having no longer any temptation to return to their own

country, they willingly embraced an opportunity of settling in the warm climates and cultivated fields of the south.

Affairs were in this situation with Rollo and his followers, when Charles proposed to relinquish to them part of the province formerly called Neustria, and to purchase peace on these hard conditions. After all the terms were fully settled, there appeared only one circumstance shocking to the haughty Dane: he was required to do homage to Charles for this province, and to put himself in that humiliating posture imposed on vassals by the rites of the feudal law. He long refused to submit to this indignity; but, being unwilling to lose such important advantages for a mere ceremony, he made a sacrifice of his pride to his interest, and acknowledged himself, in form, the vassal of the French monarch.<sup>10</sup> Charles gave him his daughter Gisla in marriage; and, that he might bind him faster to his interests, made him a donation of a considerable territory, besides that which he was obliged to surrender to him by his stipulation.

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<sup>10</sup> Ypod. Neust. p. 417.]

When some of the French nobles informed him that, in return for so generous a present, it was expected that he should throw himself at the king's feet, and make suitable acknowledgments for his bounty, Rollo replied, that he would rather decline the present; and it was with some difficulty they could persuade him to make that compliment by one of his captains. The Dane, commissioned for this purpose, full of indignation at the order, and despising so unwarlike a prince, caught Charles by the foot, and pretending to carry it to his mouth, that he might kiss it, overthrew him before all his courtiers. The French, sensible of their present weakness, found it prudent to overlook this insult.<sup>11</sup>

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<sup>11</sup> Gul. Gemet. lib. ii. cap. 17.]

Rollo, who was now in the decline of life, and was tired of wars and depredations, applied himself, with mature counsels to the settlement of his new-acquired territory, which was thenceforth called Normandy; and he parcelled it out among his captains and followers. He followed, in this partition, the customs of the feudal law, which was then universally established in the southern countries of Europe, and which suited the peculiar circumstances of that age. He treated the French subjects, who submitted to him, with mildness and justice; he reclaimed his ancient followers from their ferocious violence; he established law and order throughout his state; and after a life spent in tumults and ravages, he died peaceably in a good old age, and left his dominions to his posterity.<sup>12</sup>

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<sup>12</sup> Gul. Gemet. lib. ii. cap. 19, 20, 21.]

William I., who succeeded him, governed the duchy twenty-five years; and, during that time, the Normans, who were thoroughly intermingled with the French, had acquired their language, had imitated their manners, and had made such progress towards cultivation, that, on the death of William, his son Richard, though a minor,<sup>13</sup> inherited his dominions; a sure proof that the Normans were already somewhat advanced in civility, and that their government could now rest secure on its laws and civil institutions, and was not wholly sustained by the abilities of the sovereign. Richard, after a long reign of fifty-four years, was succeeded by his son, of the same name, in the year 996,<sup>14</sup> which was eighty-five years after the first establishment of the Normans in France. This was the duke who gave his sister Emma in marriage to Ethelred, king of England, and who thereby formed connections with a country which his posterity was so soon after destined to subdue.

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<sup>13</sup> Order. Vitalis, p. 459. Grl. Geinet, lib. iv. cup. 1.]

<sup>14</sup> Order. Vitalis, p. 459.]

The Danes had been established during a longer period in England than in France; and though the similarity of their original language to that of the Saxons invited them to a more early coalition with the natives, they had hitherto found so little example of civilized manners among the English, that they retained all their ancient ferocity, and valued themselves only on their national character of military bravery. The recent, as well as more ancient achievements of their countrymen tended to support this idea; and the English princes particularly Athelstan and Edgar, sensible of that superiority had been accustomed to keep in pay bodies of Danish troops, who were quartered about the country, and committed many violences upon the inhabitants. These mercenaries had attained to such a height of luxury, according to the old English writers,<sup>15</sup> that they combed their hair once a day, bathed themselves once a week, changed their clothes frequently; and by all these arts of effeminacy, as well as by their military character, had rendered themselves so agreeable to the fair sex, that they debauched the wives and daughters of the English, and dishonored many families. But what most provoked the inhabitants was, that instead of defending them against invaders, they were ever ready to betray them to the foreign Danes, and to associate themselves with all straggling parties of that nation.

The animosity between the inhabitants of English and Danish race, had, from these repeated injuries, risen to a great height, when Ethelred, from a policy incident to weak princes embraced the cruel resolution of massacring the latter throughout all his dominions.<sup>16</sup>

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<sup>15</sup> Wallingford, p. 547.]

<sup>16</sup> Almost all the ancient historians speak of this massacre of the Danes as if it had been universal, and as if every individual of that nation throughout England had been put to death. But the Danes were almost the sole inhabitants in the kingdoms of Northumberland and East Anglia, and were very numerous in Mercia. This representation, therefore, of the matter is absolutely impossible. Great resistance must have been made, and violent wars ensued; which was not the case. This account given by Wallingford, though he stands single, must be admitted as the only true one. We are told that the name Lurdane, Lord Dane, for an idle, lazy fellow, who lives at other people's expense, came from the conduct of the Danes who were put to death. But the English princes had been entirely masters for several

generations, and only supported a military corps of that nation. It seems probable, therefore, that it was these Danes only that were put to death.]

Secret orders were despatched to commence the execution every <sup>1002</sup>. where on the same day, and the festival of St. Brice, which fell on a Sunday, [November 13,] the day on which the Danes usually bathed themselves, was chosen for that purpose. It is needless to repeat the accounts transmitted concerning the barbarity of this massacre: the rage of the populace, excited by so many injuries, sanctioned by authority, and stimulated by example, distinguished not between innocence and guilt, spared neither sex nor age, and was not satiated without the tortures as well as death of the unhappy victims. Even Gunilda, sister to the king of Denmark, who had married Earl Paling, and had embraced Christianity, was, by the advice of Edric, earl of Wilts, seized and condemned to death by Ethelred, after seeing her husband and children butchered before her face. This unhappy princess foretold, in the agonies of despair, that her murder would soon be avenged by the total ruin of the English nation.

Never was prophecy better fulfilled; and never did barbarous policy <sup>1003</sup>. prove more fatal to the authors. Sweyn and his Danes, who wanted but a pretence for invading the English, appeared off the western coast, and threatened to take full revenge for the slaughter of their countrymen. Exeter fell first into their hands, from the negligence or treachery of Earl Hugh, a Norman, who had been made governor by the interest of Queen Emma. They began to spread their devastations over the country, when the English, sensible what outrages they must now expect from their barbarous and offended enemy, assembled more early, and in greater numbers than usual, and made an appearance of vigorous resistance. But all these preparations were frustrated by the treachery of Duke Alfric, who was intrusted with the command, and who, feigning sickness, refused to lead the army against the Danes, till it was dispirited, and at last dissipated, by his fatal misconduct. Alfric soon after died, and Edric, a greater traitor than he, who had married the king's daughter, and had acquired a total ascendant over him, succeeded Alfric in the government of Mercia, and in the command of the English armies. A great famine,

proceeding partly from the bad seasons, partly from the decay of agriculture, added to all the other miseries of the inhabitants.

The country, wasted by the Danes, harassed by the fruitless expeditions <sup>1007</sup> of its own forces, was reduced to the utmost desolation, and at last submitted to the infamy of purchasing a precarious peace from the enemy, by the payment of thirty thousand pounds.

The English endeavored to employ this interval in making preparations against the return of the Danes, which they had reason soon to expect. A law was made, ordering the proprietors of eight hides of land to provide each a horseman and a complete suit of armor, and those of three hundred and ten hides to equip a ship for the defence of the coast. When this navy was assembled, which must have consisted of near eight hundred vessels,<sup>17</sup> all hopes of its success were disappointed by the factions, animosities, and dissensions of the nobility. Edric had impelled his brother Brightric to prefer an accusation of treason against Wolfnoth, governor of Sussex, the father of the famous Earl Godwin; and that nobleman, well acquainted with the malevolence as well as power of his enemy, found no means of safety but in deserting with twenty ships to the Danes.

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<sup>17</sup> There were two hundred and forty-three thousand six hundred hides in England. Consequently, the ships equipped must be seven hundred and eighty-five. The cavalry was thirty thousand four hundred and fifty men.]

Brightric pursued him with a fleet of eighty sail; but his ships being shattered in a tempest, and stranded on the coast, he was suddenly attacked by Wolfnoth, and all his vessels burnt and destroyed. The imbecility of the king was little capable of repairing this misfortune. The treachery of Edric frustrated every plan for future defence; and the English navy, disconcerted, discouraged, and divided, was at last scattered into its several harbors.

It is almost impossible, or would be tedious, to relate particularly all the miseries to which the English were henceforth exposed. We hear of nothing but the sacking and burning of towns; the devastation of the open country; the appearance of the enemy in every quarter of the kingdom;

their cruel diligence in discovering any corner which had not been ransacked by their former violence. The broken and disjointed narration of the ancient historians is here well adapted to the nature of the war, which was conducted by such sudden inroads, as would have been dangerous even to a united and well-governed kingdom, but proved fatal where nothing but a general consternation and mutual diffidence and dissension prevailed. The governors of one province refused to march to the assistance of another, and were at last terrified from assembling their forces for the defence of their own province. General councils were summoned; but either no resolution was taken, or none was carried into execution. And the only expedient in which the English agreed, was the base and imprudent one of buying a new peace from the Danes, by the payment of forty-eight thousand pounds.

This measure did not bring them even that short interval of repose <sup>1011</sup> which they had expected from it. The Danes, disregarding all engagements, continued their devastations and hostilities; levied a new contribution of eight thousand pounds upon the county of Kent alone; murdered the archbishop of Canterbury, who had refused to countenance this exaction; and the English nobility found no other resource than that of submitting everywhere to the Danish monarch, swearing allegiance to him, and delivering him hostages for their fidelity. Ethelred equally afraid of the violence of the enemy, and the treachery of his own subjects, fled into Normandy,

whither he had sent before him Queen Emma, and her two sons, Alfred <sup>1013</sup> and Edward. Richard received his unhappy guests with a generosity that does honor to his memory.

The king had not been above six weeks in Normandy, when he heard of <sup>1014</sup> the death of Sweyn, who expired at Gainsborough, before he had time to establish himself in his new-acquired dominions. The English prelates and nobility, taking advantage of this event, sent over a deputation to Normandy, inviting Ethelred to return to them, expressing a desire of being again governed by their native prince, and intimating their hopes that, being now tutored by experience, he would avoid all those errors which had been attended with such misfortunes to himself and to his people. But the misconduct of Ethelred was incurable; and on his

resuming the government, he discovered the same incapacity, indolence, cowardice, and credulity, which had so often exposed him to the insults of his enemies. His son-in-law Edric, notwithstanding his repeated treasons, retained such influence at court, as to instil into the king jealousies of Sigefert and Morcar, two of the chief nobles of Mercia. Edric allured them into his house, where he murdered them; while Ethelred participated in the infamy of the action, by confiscating their estates, and thrusting into a convent the widow of Sigefert. She was a woman of singular beauty and merit; and in a visit which was paid her, during her confinement, by Prince Edmond, the king's eldest son, she inspired him with so violent an affection, that he released her from the convent, and soon after married her, without the consent of his father.

Meanwhile the English found in Canute, the son and successor of Sweyn, an enemy no less terrible than the prince from whom death had so lately delivered them. He ravaged the eastern coast with merciless fury, and put ashore all the English hostages at Sandwich, after having cut off their hands and noses. He was obliged, by the necessity of his affairs, to make a voyage to Denmark; but, returning soon after, he continued his depredations along the southern coast. He even broke into the counties of Dorset, Wilts, and Somerset where an army was assembled against him, under the command of Prince Edmond and Duke Edric. The latter still continued his perfidious machinations, and after endeavoring in vain to get the prince into his power, he found means to disperse the army, and he then openly deserted to Canute with forty vessels.

Notwithstanding this misfortune, Edmond was not disconcerted; but <sup>1015.</sup> assembling all the force of England, was in a condition to give battle to the enemy. The king had had such frequent experience of perfidy among his subjects, that he had lost all confidence in them: he remained at London, pretending sickness, but really from apprehensions that they intended to buy their peace, by delivering him into the hands of his enemies. The army called aloud for their sovereign to march at their head against the Danes; and, on his refusal to take the field, they were so discouraged, that those vast preparations became ineffectual for the defence of the kingdom. Edmond, deprived of all regular supplies to maintain his soldiers, was obliged to commit equal ravages with those which were practised by the



Danes; and, after making some fruitless expeditions into the north, which had submitted entirely to Canute's power, he retired to London, determined there to maintain to the last extremity the small remains of English liberty. He here found every thing in confusion by the death of the king, who expired after an unhappy and inglorious reign of thirty-five years.

He left two sons by his first marriage, Edmond, who succeeded him, <sup>1016</sup>. and Edwy, whom Canute afterwards murdered. His two sons by the second marriage, Anred and Edward, were, immediately upon Ethelred's death, conveyed into Normandy by Queen Emma.

### EDMOND IRONSIDE

**T**his prince, who received the name of *Ironsides* from his hardy valor, possessed courage and abilities sufficient to have prevented his country from sinking into those calamities, but not to raise it from that abyss of misery into which it had already fallen. Among the other misfortunes of the English, treachery and disaffection had crept in among the nobility and prelates; and Edmond found no better expedient for stopping the further progress of these fatal evils, than to lead his army instantly into the field, and to employ them against the common enemy. After meeting with some success at Gillingham, he prepared himself to decide, in one general engagement, the fate of his crown: and at Scoerston, in the county of Gloucester, he offered battle to the enemy, who were commanded by Canute and Edric. Fortune, in the beginning of the day, declared for him; but Edric, having cut off the head of one Osmer, whose countenance resembled that of Edmond fixed it on a spear, carried it through the ranks in triumph, and called aloud to the English, that it was time to fly; for, behold! the head of their sovereign. And though Edmond, observing the consternation of the troops, took off his helmet, and showed himself to them, the utmost he could gain by his activity and valor was to leave the victory undecided. Edric now took a surer method to ruin him, by pretending to desert to him; and as Edmond was well acquainted with his power, and probably knew no other of the chief nobility in whom he could repose more confidence, he was obliged, notwithstanding the repeated

perfidy of the man, to give him a considerable command in the army. A battle soon after ensued at Assington, in Essex; where Edric, flying in the beginning of the day, occasioned the total defeat of the English, followed by a great slaughter of the nobility. The indefatigable Edmond, however, had still resources. Assembling a new army at Gloucester, he was again in condition to dispute the field; when the Danish and English nobility, equally harassed with those convulsions obliged their kings to come to a compromise, and to divide the kingdom between them by treaty. Canute reserved to himself the northern division, consisting of Mercia, East Anglia, and Northumberland, which he had entirely subdued. The southern parts were left to Edmond. The prince survived the treaty about a month. He was murdered at Oxford by two of his chamberlains, accomplices of Edric, who thereby made way for the succession of Canute the Dane to the crown of England.

## CANUTE

The English, who had been unable to defend their country, and <sup>1017</sup> maintain their independency, under so active and brave a prince as Edmond, could after his death expect nothing but total subjection from Canute, who, active and brave himself, and at the head of a great force, was ready to take advantage of the minority of Edwin and Edward, the two sons of Edmond. Yet this conqueror, who was commonly so little scrupulous, showed himself anxious to cover his injustice under plausible pretences. Before he seized the dominions of the English princes, he summoned a general assembly of the states, in order to fix the succession of the kingdom. He here suborned some nobles to depose that, in the treaty of Gloucester it had been verbally agreed, either to name Canute, in case of Edmond's death, successor to his dominions, or tutor to his children, (for historians vary in this particular;) and that evidence, supported by the great power of Canute, determined the states immediately to put the Danish monarch in possession of the government. Canute, jealous of the two princes, but sensible that he should render himself extremely odious if he ordered them to be despatched in England, sent them abroad to his ally, the king of Sweden, whom he desired, as soon

as they arrived at his court, to free him, by their death, from a farther anxiety. The Swedish monarch was too generous to comply with the request; but being afraid of drawing on himself a quarrel with Canute, by protecting the young princes, he sent them to Solomon, king of Hungary, to be educated in his court. The elder, Edwin, was afterwards married to the sister of the king of Hungary; but the English prince dying without issue, Solomon gave his sister-in-law, Agatha, daughter of the emperor Henry the Second, in marriage to Edward, the younger brother; and she bore him Edgar, Atheling, Margaret, afterwards queen of Scotland, and Christina, who retired into a convent.

Canute, though he had reached the great point of his ambition in obtaining possession of the English crown, was obliged at first to make great sacrifices to it; and to gratify the chief of the nobility, by bestowing on them the most extensive governments and jurisdictions. He created Thurkill earl or duke of East Anglia, (for these titles were then nearly of the same import,) Yric of Northumberland, and Edric of Mercia; reserving only to himself the administration of Wessex. But seizing afterwards a favorable opportunity, he expelled Thurkill and Yric from their governments, and banished them the kingdom; he put to death many of the English nobility, on whose fidelity he could not rely, and whom he hated on account of their disloyalty to their native prince. And even the traitor Edric, having had the assurance to reproach him with his services, was condemned to be executed, and his body to be thrown into the Thames; a suitable reward for his multiplied acts of perfidy and rebellion.

Canute also found himself obliged, in the beginning of his reign, to load the people with heavy taxes, in order to reward his Danish followers: he exacted from them at one time the sum of seventy-two thousand pounds; besides eleven thousand pounds which he levied on London alone. He was probably willing, from political motives, to mulct severely that city, on account of the affection which it had borne to Edmond, and the resistance which it had made to the Danish power in two obstinate sieges.<sup>18</sup> But these rigors were imputed to necessity, and Canute, like a wise prince, was determined that the English, now deprived of all their dangerous leaders, should be reconciled to the Danish yoke, by the justice and impartiality of his administration. He sent back to Denmark as many

of his followers as he could safely spare; he restored the Saxon customs in a general assembly of the states; he made no distinction between Danes and English in the distribution of justice; and he took care, by a strict execution of law, to protect the lives and properties of all his people. The Danes were gradually incorporated with his new objects; and both were glad to obtain a little respite from those multiplied calamities, from which the one, no less than the other, had, in their fierce contest for power, experienced such fatal consequences.

The removal of Edmond's children into so distant a country as Hungary, was, next to their death, regarded by Canute as the greatest security to his government: he had no further anxiety, except with regard to Alfred and Edward, who were protected and supported by their uncle Richard, duke of Normandy. Richard even fitted out a great armament, in order to restore the English princes to the throne of their ancestors; and though the navy was dispersed by a storm, Canute saw the danger to which he was exposed, from the enmity of so warlike a people as the Normans. In order to acquire the friendship of the duke, he paid his addresses to Queen Emma, sister of that prince; and promised that he would leave the children, whom he should have by that marriage, in possession of the crown of England. Richard complied with his demand, and sent over Emma to England, where she was soon after married to Canute.<sup>19</sup> The English, though they disapproved of her espousing the mortal enemy of her former husband and his family, were pleased to find at court a sovereign to whom they were accustomed, and who had already formed connections with them; and thus Canute besides securing, by this marriage, the alliance of Normandy gradually acquired, by the same means, the confidence of his own subjects.<sup>20</sup> The Norman prince did not long survive the marriage of Emma; and he left the inheritance of the duchy to his eldest son of the same name; who, dying a year after him without children, was succeeded by his brother Robert, a man of valor and abilities.

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<sup>18</sup> W. Malms, p. 72. In one of these sieges, Canute diverted the course of the Thames, and by that means brought his ships above London bridge.]

<sup>19</sup> Chron. Sax. p. 151. W. Malms, p. 73.]

Canute, having settled his power in England beyond all danger of a revolution, made a voyage to Denmark, in order to resist the attacks of the king of Sweden; and he carried along with him a great body of the English, under the command of Earl Godwin. This nobleman had here an opportunity of performing a service, by which he both reconciled the king's mind to the English nation, and gaining to himself the friendship of his sovereign, laid the foundation of that immense fortune which he acquired to his family. He was stationed next the Swedish camp, and observing a favorable opportunity, which he was obliged suddenly to seize, he attacked the enemy in the night, drove them from their trenches, threw them into disorder, pursued his advantage, and obtained a decisive victory over them. Next morning, Canute, seeing the English camp entirely abandoned, imagined that those disaffected troops had deserted to the enemy: he was agreeably surprised to find that they were at that time engaged in pursuit of the discomfited Swedes. He was so pleased with this success, and with the manner of obtaining it that he bestowed his daughter in marriage upon Godwin, and treated him ever after with entire confidence and regard.

In another voyage, which he made afterwards to Denmark, Canute <sup>1028</sup> attacked Norway, and expelling the just but unwarlike Olaus, kept possession of his kingdom till the death of that prince. He had now by his conquests and valor attained the utmost height of grandeur: having leisure from wars and intrigues, he felt the unsatisfactory nature of all human enjoyments; and equally weary of the glories and turmoils of this life, he began to cast his view towards that future existence, which it is so natural for the human mind, whether satiated by prosperity or disgusted with adversity, to make the object of its attention. Unfortunately, the spirit which prevailed in that age gave a wrong direction to his devotion: instead of making compensation to those whom he had injured by his former acts of violence, he employed himself entirely in those exercises of piety which the monks represented as the most meritorious. He built churches, he endowed monasteries, he enriched the ecclesiastics, and he bestowed revenues for the support of chantries at Assington and other places; where he appointed prayers to be said for the souls of those who had there fallen

in battle against him. He even undertook a pilgrimage to Rome, where he resided a considerable time: besides obtaining from the pope some privileges for the English school erected there, he engaged all the princes, through whose dominions he was obliged to pass, to desist from those heavy impositions and tolls which they were accustomed to exact from the English pilgrims. By this spirit of devotion no less than by his equitable and politic administration, he gained, in a good measure, the affections of his subjects.

Canute, the greatest and most powerful monarch of his time, sovereign of Denmark and Norway, as well as of England, could not fail of meeting with adulation from his courtiers; a tribute which is liberally paid even to the meanest and weakest princes. Some of his flatterers breaking out one day in admiration of his grandeur, exclaimed that every thing was possible for him; upon which the monarch, it is said, ordered his chair to be set on the sea-shore, while the tide was rising; and as the waters approached, he commanded them to retire, and to obey the voice of him who was lord of the ocean. He feigned to sit some time in expectation of their submission; but when the sea still advanced towards him, and began to wash him with its billows, he turned to his courtiers, and remarked to them, that every creature in the universe was feeble and impotent, and that power resided with one being alone, in whose hands were all the elements of nature; who could say to the ocean, "Thus far shalt thou go, and no farther;" and who could level with his nod the most towering piles of human pride and ambition.

The only memorable action which Canute performed after his return <sup>1031.</sup> from Rome, was an expedition against Malcolm, king of Scotland. During the reign of Ethelred, a tax of a shilling a hide had been imposed on all the lands of England. It was commonly called 'danegelt;' because the revenue had been employed either in buying peace with the Danes, or in making preparations against the inroads of that hostile nation. That monarch had required that the same tax should be paid by Cumberland, which was held by the Scots; but Malcolm a warlike prince, told him, that as he was always able to repulse the Danes by his own power, he would neither submit to buy peace of his enemies, nor pay others for resisting them. Ethelred, offended at this reply, which contained a secret reproach on his own

conduct, undertook an expedition against Cumberland; but though he committed ravages upon the country, he could never bring Malcolm to a temper more humble or submissive. Canute, after his accession, summoned the Scottish king to acknowledge himself a vassal for Cumberland to the crown of England; but Malcolm refused compliance, on pretence that he owed homage to those princes only who inherited that kingdom by right of blood. Canute was not of a temper to bear this insult; and the king of Scotland soon found, that the sceptre was in very different hands from those of the feeble and irresolute Ethelred. Upon Canute's appearing on the frontiers with a formidable army Malcolm agreed that his grandson and heir, Duncan, whom he put in possession of Cumberland, should make the submissions required, and that the heirs of Scotland should always acknowledge themselves vassals to England for that province.<sup>21</sup> Canute passed four years in peace after this enterprise, and he died at Shaftesbury;<sup>22</sup> leaving three sons, Sweyn, Harold, and Hardicanute. Sweyn, whom he had by his first marriage with Alfwen, daughter of the earl of Hampshire, was crowned in Norway: Hardicanute, whom Emma had borne him, was in possession of Denmark: Harold, who was of the same marriage with Sweyn, was at that time in England.

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<sup>21</sup> W. Malms, p. 74.]

<sup>22</sup> Chron Sax p. 154. W. Malms, p. 76]

## **HAROLD HAREFOOT**

Though Canute, in his treaty with Richard, duke of Normandy, had <sup>1035</sup>. stipulated that his children by Emma should succeed to the crown of England, he had either considered himself as released from that engagement by the death of Richard, or esteemed it dangerous to leave an unsettled and newly-conquered kingdom in the hands of so young a prince as Hardicanute: he therefore appointed, by his will, Harold successor to the crown. This prince was besides present, to maintain his claim; he was favored by all the Danes; and he got immediately possession of his father's

treasures, which might be equally useful, whether he found it necessary to proceed by force or intrigue, in insuring his succession. On the other hand, Hardicanute had the suffrages of the English, who, on account of his being from among them of Queen Emma, regarded him as their countryman; he was favored by the articles of treaty with the duke of Normandy; and above all, his party was espoused by Earl Godwin, the most powerful nobleman in the kingdom, especially in the province of Wessex, the chief seat of the ancient English. Affairs were likely to terminate in a civil war; when, by the interposition of the nobility of both parties, a compromise was made; and it was agreed that Harold should enjoy, together with London, all the provinces north of the Thames, while the possession of the south should remain to Hardicanute: and till that prince should appear and take possession of his dominions, Emma fixed her residence at Winchester, and established her authority over her son's share of the partition.

Meanwhile Robert, duke of Normandy, died in a pilgrimage to the Holy Land, and being succeeded by a son, yet a minor, the two English princes, Alfred and Edward, who found no longer any countenance or protection in that country, gladly embraced the opportunity of paying a visit, with a numerous retinue, to their mother, Emma, who seemed to be placed in a state of so much power and splendor at Winchester. But the face of affairs soon wore a melancholy aspect. Earl Godwin had been gained by the arts of Harold, who promised to espouse the daughter of that nobleman; and while the treaty was yet a secret, these two tyrants laid a plan for the destruction of the English princes. Alfred was invited to London by Harold with many professions of friendship; but when he had reached Guilford, he was set upon by Godwin's vassals, about six hundred of his train were murdered in the most cruel manner, he himself was taken prisoner, his eyes were put out, and he was conducted to the monastery of Ely, where he died soon after.<sup>23</sup> Edward and Emma, apprised of the fate which was awaiting them, fled beyond sea, the former into Normandy, the latter into Flanders; while Harold, triumphing in his bloody policy, took possession, without resistance, of all the dominions assigned to his brother.

This is the only memorable action performed, during a reign of four years, by this prince, who gave so bad a specimen of his character, and



whose bodily accomplishments alone are known to us by his appellation of *Harefoot*, which he acquired from his agility in running and walking. He died on the 14th of April, 1039, little regretted or esteemed by his subjects, and left the succession open to his brother Hardicanute.

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<sup>23</sup> H. Hunting, p. 365. Ypod. Neust. p. 434. Hoveden, p. 438. Chron. Mailr. p. 156. Higden, p. 277. Chron. St. Petri de Burgo, p. 39. Sim. Dunelm. p. 179. Abbas Rieval. p. 366, 374. Brompton, p. 935. Gul. Gemet. lib. vii. cap. 11. M. West. p. 209 Flor. Wigorn, p. 622. Alured. Beverl. p. 118.]

### **HARDICANUTE**

Hardicanute, or Canute the hardy, that is, the robust, (for he top is <sup>1039</sup> chiefly known by his bodily accomplishments,) though, by remaining so long in Denmark, he had been deprived of his share in the partition of the kingdom, had not abandoned his pretensions; and he had determined, before Harold's death, to recover by arms what he had lost, either by his own negligence or by the necessity of his affairs. On pretence of paying a visit to the queen dowager in Flanders, ne had assembled a fleet of sixty sail, and was preparing to make a descent on England, when intelligence of his brother's death induced him to sail immediately to London, where he was received in triumph, and acknowledged king without opposition.

The first act of Hardicanute's government afforded his subjects a bad prognostic of his future conduct. He was so enraged at Harold for depriving him of his share of the kingdom, and for the cruel treatment of his brother Alfred, that in an impotent desire of revenge against the dead, he ordered his body to be dug up, and to be thrown into the Thames; and when it was found by some fishermen, and buried in London, he ordered it again to be dug up, and to be thrown again into the river; but it was fished up a second time, and then interred with great secrecy. Godwin, equally servile and insolent, submitted to be his instrument in this unnatural and brutal action.

That nobleman knew that he was universally believed to have been an accomplice in the barbarity exercised on Alfred, and that he was on that

account obnoxious to Hardicanute; and perhaps he hoped, by displaying this rage against Harold's memory, to justify himself from having had any participation in his counsels. But Prince Edward, being invited over by the king, immediately on his appearance preferred an accusation against Godwin for the murder of Alfred, and demanded justice for that crime. Godwin, in order to appease the king; made him a magnificent present of a galley with a gilt stern, rowed by fourscore men, who wore each of them a gold bracelet on his arm, weighing sixteen ounces, and were armed and clothed in the most sumptuous manner. Hardicanute, pleased with the splendor of this spectacle, quickly forgot his brother's murder; and on Godwin's swearing that he was innocent of the crime, he allowed him to be acquitted.

Though Hardicanute before his accession had been called over by the vows of the English, he soon lost the affections of the nation by his misconduct; but nothing appeared more grievous to them than his renewing the imposition of danegelt, and obliging the nation to pay a great sum of money to the fleet which brought him from Denmark. The discontents ran high in many places: in Worcester the populace rose, and put to death two of the collectors. The king, enraged at this opposition, swore vengeance against the city, and ordered three noblemen, Godwin, duke of Wessex, Siward, duke of Northumberland, and Leofric, duke of Mercia, to execute his menaces with the utmost rigor. They were obliged to set fire to the city, and deliver it up to be plundered by their soldiers; but they saved the lives of the inhabitants, whom they confined in a small island of the Severn, called Beverey, till, by their intercession, they were able to appease the king, and obtain the pardon of the supplicants.

This violent government was of short duration. Hardicanute died in two years after his accession, at the nuptials of a Danish lord, which he had honored with his presence. His usual habits of intemperance were so well known, that, notwithstanding his robust constitution, his sudden death gave as little surprise as it did sorrow to his subjects.

## **EDWARD THE CONFESSOR**

The English, on the death of Hardicanute, saw a favorable opportunity for recovering their liberty, and for shaking off the Danish yoke, under which they had so long labored. Sweyn, king of Norway, the eldest son of Canute, was absent; and as the two last kings had died without issue, none of that race presented himself, nor any whom the Danes could support as successor to the throne. Prince Edward was fortunately at court on his brother's demise; and though the descendants of Edmond Ironside were the true heirs of the Saxon family, yet their absence in so remote a country as Hungary, appeared a sufficient reason for their exclusion to a people, like the English, so little accustomed to observe a regular order in the succession of their monarchs. All delays might be dangerous, and the present occasion must hastily be embraced, while the Danes, without concert, without a leader, astonished at the present incident, and anxious only for their personal safety, durst not oppose the united voice of the nation.

But this concurrence of circumstances in favor of Edward might have failed of its effect, had his succession been opposed by Godwin, whose power, alliances, and abilities gave him a great influence at all times, especially amidst those sudden opportunities which always attend a revolution of government, and which, either seized or neglected, commonly prove decisive. There were opposite reasons, which divided men's hopes and fears with regard to Godwin's conduct. On the one hand, the credit of that nobleman lay chiefly in Wessex, which was almost entirely inhabited by English; it was therefore presumed that he would second the wishes of that people in restoring the Saxon line, and in humbling the Danes, from whom he, as well as they, had reason to dread, as they had already felt, the most grievous oppressions. On the other hand, there subsisted a declared animosity between Edward and Godwin, on account of Alfred's murder; of which the latter had publicly been accused by the prince, and which he might believe so deep an offence, as could never, on account of any subsequent merits, be sincerely pardoned. But their common friends here interposed; and representing the necessity of their good correspondence, obliged them to lay aside all jealousy and rancor, and concur in restoring liberty to their native country. Godwin only stipulated that Edward, as a pledge of his sincere reconciliation, should promise to marry his daughter Editha; and having fortified himself

by this alliance, he summoned a general council at Gillingham, and prepared every measure for securing the succession to Edward. The English were unanimous and zealous in their resolutions; the Danes were divided and dispirited: any small opposition, which appeared in this assembly, was browbeaten and suppressed; and Edward was crowned king, with every Demonstration of duty and affection.

The triumph of the English upon this signal and decisive advantage, was at first attended with some insult and violence against the Danes, but the king, by the mildness of his character, soon reconciled the latter to his administration, and the distinction between the two nations gradually disappeared. The Danes were interspersed with the English in most of the provinces; they spoke nearly the same language; they differed little in their manners and laws; domestic dissensions in Denmark prevented, for some years, any powerful invasion from thence which might awaken past animosities; and as the Norman conquest, which ensued soon after, reduced both nations to equal subjection, there is no further mention in history of any difference between them. The joy, however, of their present deliverance made such impression on the minds of the English, that they instituted an annual festival for celebrating that great event; and it was observed in some counties, even to the time of Spelman.<sup>24</sup>

The popularity which Edward enjoyed on his accession was not destroyed by the first act of his administration, his resuming all the grants of his immediate predecessors; an attempt which is commonly attended with the most dangerous consequences. The poverty of the crown convinced the nation that this act of violence was become absolutely necessary; and as the loss fell chiefly on the Danes, who had obtained large grants from the late kings, their countrymen, on account of their services in subduing the kingdom, the English were rather pleased to see them reduced to their primitive poverty. The king's severity also towards his mother, the queen dowager, though exposed to some more censure, met not with very, general disapprobation. He had hitherto lived on indifferent terms with that princess; he accused her of neglecting him and his brother during their adverse fortune;<sup>25</sup> he remarked that, as the superior qualities of Canute, and his better treatment of her, had made her entirely indifferent to the memory of Etheldred, she also gave the preference to her

children of the second bed, and always regarded Hardicanute as her favorite.

The same reasons had probably made her unpopular in England; and though her benefactions to the monks obtained her the favor of that order, the nation was not, in general, displeased to see her stripped by Edward of immense treasures which she had amassed. He confined her, during the remainder of her life, in a monastery at Winchester; but carried his rigor against her no farther. The stories of his accusing her of a participation in her son Alfred's murder, and of a criminal correspondence with the bishop of Winchester, and also of her justifying herself by treading barefoot, without receiving any hurt, over nine burning ploughshares, were the inventions of the monkish historians, and were propagated and believed from the silly wonder of posterity.<sup>26</sup>

The English flattered themselves that, by the accession of Edward, they were delivered forever from the dominion of foreigners; but they soon found that this evil was not yet entirely removed. The king had been educated in Normandy, and had contracted many intimacies with the natives of that country, as well as an affection for their manners.<sup>27</sup> The court of England was soon filled with Normans, who, being distinguished both by the favor of Edward, and by a degree of cultivation superior to that which was attained by the English in those ages, soon rendered their language, customs, and laws fashionable in the kingdom. The study of the French tongue became general among the people. The courtiers affected to imitate that nation in their dress, equipage, and entertainments; even the lawyers employed a foreign language in their deeds and papers;<sup>28</sup> but above all, the church felt the influence and dominion of those strangers: Ulf and William, two Normans, who had formerly been the king's chaplains, were created bishops of Dorchester and London. Robert, a Norman also, was promoted to the see of Canterbury,<sup>29</sup> and always enjoyed the highest favor of his master, of which his abilities rendered him not unworthy. And though the king's prudence, or his want of authority, made him confer almost all the civil and military employments on the natives, the ecclesiastical preferments fell often to the share of the Normans; and as the latter possessed Edward's confidence, they had

secretly a great influence on public affairs, and excited the jealousy of the English, particularly of Earl Godwin.<sup>30</sup>

This powerful nobleman, besides being duke or earl of Wessex, had the counties of Kent and Sussex annexed to his government. His eldest son, Sweyn, possessed the same authority in the counties of Oxford, Berks, Gloucester, and Hereford; and Harold, his second son, was duke of East Anglia, and at the same time governor of Essex. The great authority of this family was supported by immense possessions and powerful alliances; and the abilities, as well as ambition of Godwin himself, contributed to render it still more dangerous. A prince of greater capacity and vigor than Edward would have found it difficult to support the dignity of the crown under such circumstances; and as the haughty temper of Godwin made him often forget the respect due to his prince Edward's animosity against him was grounded on personal as well as political considerations, on recent as well as more ancient injuries. The king, in pursuance of his engagements, had indeed married Editha, the daughter of Godwin;<sup>31</sup> but this alliance became a fresh source of enmity between them. Edward's hatred of the father was transferred to that princess; and Editha, though possessed of many amiable accomplishments, could never acquire the confidence and affection of her husband. It is even pretended, that, during the whole course of her life, he abstained from all commerce of love with her; and such was the absurd admiration paid to an inviolable chastity during those ages, that his conduct in this particular is highly celebrated by the monkish historians, and greatly contributed to his acquiring the title of saint and confessor<sup>32</sup>

The most popular pretence on which Godwin could ground his <sup>1048</sup> disaffection to the king and his administration, was to complain of the influence of the Normans in the government; and a declared opposition had thence arisen between him and these favorites. It was not long before this animosity broke out into action. Eustace, count of Boulogne, having paid a visit to the king, passed by Dover in his return: one of his train, being refused entrance to a lodging, which had been assigned him, attempted to make his way by force, and in the contest he wounded the master of the house. The inhabitants revenged this insult by the death of the stranger; the count and his train took arms, and murdered the

wounded townsman; a tumult ensued; near twenty persons were killed on each side; and Eustace, being overpowered by numbers, was obliged to save his life by flight from the fury of the populace.

He hurried immediately to court, and complained of the usage he had met with: the king entered zealously into the quarrel, and was highly displeased that a stranger of such distinction, whom he had invited over to his court, should, without any just cause, as he believed, have felt so sensibly the insolence and animosity of his people. He gave orders to Godwin, in whose government Dover lay, to repair immediately to the place, and to punish the inhabitants for the crime; but Godwin, who desired rather to encourage than express the popular discontents against foreigners, refused obedience, and endeavored to throw the whole blame of the riot on the count of Boulogne and his retinue.<sup>33</sup> Edward, touched in so sensible a point, saw the necessity of exerting the royal authority; and he threatened Godwin, if he persisted in his disobedience, to make him feel the utmost effects of his resentment.

The earl, perceiving a rupture to be unavoidable, and pleased to embark in a cause where it was likely he should be supported by his countrymen, made preparations for his own defence, or rather for an attack on Edward. Under pretence of repressing some disorders on the Welsh frontier, he secretly assembled a great army, and was approaching the king, who resided, without any military force, and without suspicion, at Gloucester.<sup>34</sup>

Edward applied for protection to Siward, duke of Northumberland, and Leofric, duke of Mercia, two powerful noblemen, whose jealousy of Godwin's greatness, as well as their duty to the crown, engaged them to defend the king in this extremity. They hastened to him with such of their followers as they could assemble on a sudden; and finding the danger much greater than they had at first apprehended, they issued orders for mustering all the forces within their respective governments, and for marching them without delay to the defence of the king's person and authority. Edward, meanwhile, endeavored to gain time by negotiation; while Godwin, who thought the king entirely in his power, and who was willing to save appearances, fell into the snare; and not sensible that he

ought to have no further reserve after he had proceeded so far, he lost the favorable opportunity of rendering himself master of the government.

The English, though they had no high idea of Edward's vigor and capacity, bore him great affection on account of his humanity, justice, and piety, as well as the long race of their native kings, from whom he was descended; and they hastened from all quarters to defend him from the present danger. His army was now so considerable, that he ventured to take the field; and marching to London, he summoned a great council to judge of the rebellion of Godwin and his sons. These noblemen pretended at first that they were willing to stand their trial; but having in vain endeavored to make their adherents persist in rebellion, they offered to come to London, provided they might receive hostages for their safety: this proposal being rejected, they were obliged to disband the remains of their forces, and have recourse to flight. Baldwin, earl of Flanders, gave protection to Godwin and his three sons, Gurth, Sweyn, and Tosti, the latter of whom had married the daughter of that prince; Harold and Leofwin, two others of his sons, took shelter in Ireland. The estates of the father and sons were confiscated; their governments were given to others; Queen Editha was confined in a monastery at Warewel; and the greatness of this family, once so formidable, seemed now to be totally supplanted and overthrown. But Godwin had fixed his authority on too firm a basis, and he was too strongly supported by alliances both foreign and domestic, not to occasion further disturbances, and make new efforts for his reestablishment.

The earl of Flanders permitted him to purchase and hire ships within <sup>1052</sup> his harbors; and Godwin, having manned them with his followers, and with freebooters of all nations, put to sea, and attempted to make a descent at Sandwich. The king, informed of his preparations, had equipped a considerable fleet, much superior to that of the enemy; and the earl hastily, before their appearance, made his retreat into the Flemish harbors.<sup>35</sup> The English court, allured by the present security, and destitute of all vigorous counsels, allowed the seamen to disband, and the fleet to go to decay;<sup>36</sup> while Godwin, expecting this event, kept his men in readiness for action. He put to sea immediately, and sailed to the Isle of Wight, where he was joined by Harold with a squadron, which that nobleman had



collected in Ireland. He was now master of the sea; and entering every harbor in the southern coast, he seized all the ships,<sup>37</sup> and summoned his followers in those counties, which had so long been subject to his government, to assist him in procuring justice to himself his family, and his country, against the tyranny of foreigners.

Reënforced by great numbers from all quarters, he entered the Thames; and appearing before London, threw every thing into confusion. The king alone seemed resolute to defend himself to the last extremity; but the interposition of the English nobility, many of whom favored Godwin's pretensions, made Edward hearken to terms of accommodation; and the feigned humility of the earl, who disclaimed all intentions of offering violence to his sovereign, and desired only to justify himself by a fair and open trial, paved the way for his more easy admission. It was stipulated that he should give hostages for his good behavior, and that the primate and all the foreigners should be banished: by this treaty the present danger of a civil war was obviated, but the authority of the crown was considerably impaired, or rather entirely annihilated. Edward, sensible that he had not power sufficient to secure Godwin's hostages in England, sent them over to his kinsman, the young duke of Normandy.

Godwin's death, which happened soon after, while he was sitting at table with the king, prevented him from further establishing the authority which he had acquired, and from reducing Edward to still greater subjection.<sup>38</sup> He was succeeded in the government of Wessex, Sussex, Kent, and Essex, and in the office of steward of the household, a place of great power, by his son Harold, who was actuated by an ambition equal to that of his father, and was superior to him in address, in insinuation, and in virtue. By a modest and gentle demeanor, he acquired the good will of Edward; at least, softened that hatred which the prince had so long borne his family;<sup>39</sup> and gaining every day new partisans by his bounty and affability, he proceeded, in a more silent, and therefore a more dangerous manner, to the increase of his authority. The king, who had not sufficient vigor directly to oppose his progress, knew of no other expedient than that hazardous one of raising him a rival in the family of Leofric, duke of Mercia, whose son Algar was invested with the government of East Anglia, which, before the banishment of Harold, had belonged to the latter

nobleman. But this policy, of balancing opposite parties, required a more steady hand to manage it than that of Edward, and naturally produced faction and even civil broils, among nobles of such mighty and independent authority.

Algar was soon after expelled his government by the intrigues and power of Harold; but being protected by Griffith, prince of Wales, who had married his daughter, as well as by the power of his father Leofric, he obliged Harold to submit to an accommodation, and was reinstated in the government of East Anglia. This peace was not of long duration: Harold, taking advantage of Leofric's death, which happened soon after, expelled Algar anew, and banished him the kingdom: and though that nobleman made a fresh irruption into East Anglia with an army of Norwegians, and overran the country, his death soon freed Harold from the pretensions of so dangerous a rival. Edward, the eldest son of Algar, was indeed advanced to the government of Mercia; but the balance which the king desired to establish between those potent families, was wholly lost, and the influence of Harold greatly preponderated.

The death of Siward, duke of Northumberland, made the way still more <sup>1055.</sup> open to the ambition of that nobleman. Siward, besides his other merits, had acquired honor to England by his successful conduct in the only foreign enterprise undertaken during the reign of Edward. Duncan, king of Scotland, was a prince of a gentle disposition, but possessed not the genius requisite for governing a country so turbulent, and so much infested by the intrigues and animosities of the great. Macbeth, a powerful nobleman, and nearly allied to the crown, not content with curbing the king's authority, carried still farther his pestilent ambition: he put his sovereign to death; chased Malcolm Kenmore, his son and heir, into England, and usurped the crown. Siward, whose daughter was married to Duncan, embraced, by Edward's orders, the protection of this distressed family: he marched an army into Scotland; and having defeated and killed Macbeth in battle, he restored Malcolm to the throne of his ancestors.<sup>40</sup>

This service, added to his former connections with the royal family of Scotland, brought a great accession to the authority of Siward in the north; but as he had lost his eldest son, Osberne, in the action with Macbeth, it proved in the issue fatal to his family. His second son, Walthoef, appeared,

on his father's death, too young to be intrusted with the government of Northumberland; and Harold's influence obtained that dukedom for his own brother Tosti.

There are two circumstances related of Siward, which discover his high sense of honor, and his martial disposition. When intelligence was brought him of his son Osberne's death, he was inconsolable; till he heard that the wound was received in the breast, and that he had behaved with great gallantry in the action. When he found his own death approaching, he ordered his servants to clothe him in a complete suit of armor; and sitting erect on the couch, with a spear in his hand, declared, that in that posture, the only one worthy of a warrior, he would patiently await the fatal moment.

The king, now worn out with cares and infirmities, felt himself far advanced in the decline of life; and having no issue himself, began to think of appointing a successor to the kingdom. He sent a deputation to Hungary, to invite over his nephew Edward, son of his elder brother, and the only remaining heir of the Saxon line. That prince, whose succession to the crown would have been easy and undisputed, came to England with his children, Edgar, surnamed Atheling, Margaret, and Christina; but his death, which happened a few days after his arrival, threw the king into new difficulties. He saw that the great power and ambition of Harold had tempted him to think of obtaining possession of the throne on the first vacancy, and that Edgar, on account of his youth and inexperience, was very unfit to oppose the pretensions of so popular and enterprising a rival. The animosity which he had long borne to Earl Godwin, made him averse to the succession of his son; and he could not, without extreme reluctance, think of an increase of grandeur to a family which had risen on the ruins of royal authority, and which, by the murder of Alfred, his brother, had contributed so much to the weakening of the Saxon line. In this uncertainty, he secretly cast his eye towards his kinsman, William duke of Normandy, as the only person whose power, and reputation, and capacity, could support any destination which he might make in his favor, to the exclusion of Harold and his family.<sup>41</sup>

This famous prince was natural son of Robert, duke of Normandy, by Harlotta, daughter of a tanner in Falaise,<sup>42</sup> and was very early established

in that grandeur, from which his birth seemed to have set him at so great a distance.

While he was but nine years of age, his father had resolved to undertake a pilgrimage to Jerusalem; a fashionable act of devotion, which had taken place of the pilgrimages to Rome, and which, as it was attended with more difficulty and danger, and carried those religious adventurers to the first sources of Christianity, appeared to them more meritorious. Before his departure, he assembled the states of the duchy; and in forming them of his design, he engaged them to swear allegiance to his natural son, William, whom, as he had no legitimate issue, he intended, in case he should die in the pilgrimage, to leave successor to his dominions.<sup>43</sup> As he was a prudent prince, he could not but foresee the great inconveniencies which must attend this journey, and this settlement of his succession; arising from the perpetual turbulency of the great, the claims of other branches of the ducal family and the power of the French monarch; but all these considerations were surmounted by the prevailing zeal for pilgrimages;<sup>44</sup> and probably the more important they were, the more would Robert exult in sacrificing them to what he imagined to be his religious duty.

This prince, as he had apprehended, died in his pilgrimage; and the minority of his son was attended with all those disorders which were almost unavoidable in that situation. The licentious nobles, freed from the awe of sovereign authority, broke out into personal animosities against each other, and made the whole country a scene of war and devastation.<sup>45</sup> Roger, count of Toni, and Alain, count of Brittany, advanced claims to the dominion of the state; and Henry the First king of France, thought the opportunity favorable for reducing the power of a vassal, who had originally acquired his settlement in so violent and invidious a manner, and who had long appeared formidable to his sovereign.<sup>46</sup> The regency established by Robert encountered great difficulties in supporting the government under his complication of dangers; and the young prince, when he came to maturity, found himself reduced to a very low condition. But the great qualities which he soon displayed in the field and in the cabinet, gave encouragement to his friends, and struck a terror into his enemies. He opposed himself on all sides against his rebellious subjects,

and against foreign invaders; and by his valor and conduct prevailed in every action.

He obliged the French king to grant him peace on reasonable terms; he expelled all pretenders to the sovereignty; and he reduced his turbulent barons to pay submission to his authority, and to suspend their mutual animosities. The natural severity of his temper appeared in a rigorous administration of justice; and having found the happy effects of this plan of government, without which the laws in those ages became totally impotent, he regarded it as a fixed maxim, that an inflexible conduct was the first duty of a sovereign.

The tranquillity which he had established in his dominions, had given William leisure to pay a visit to the king of England, during the time of Godwin's banishment; and he was received in a manner suitable to the great reputation which he had acquired, to the relation by which he was connected with Edward, and to the obligations which that prince owed to his family.<sup>47</sup> On the return of Godwin, and the expulsion of the Norman favorites, Robert, archbishop of Canterbury, had, before his departure, persuaded Edward to think of adopting William as his successor; a counsel which was favored by the king's aversion to Godwin, his prepossessions for the Normans, and his esteem of the duke. That prelate, therefore, received a commission to inform William of the king's intentions in his favor; and he was the first person that opened the mind of the prince to entertain those ambitious hopes.<sup>48</sup> But Edward, irresolute and feeble in his purpose, finding that the English would more easily acquiesce in the restoration of the Saxon line, and in the mean time invited his brother's descendants from Hungary, with a view of having them recognized heirs to the crown.

The death of his nephew, and the inexperience and unpromising qualities of young Edgar, made him resume his former intentions in favor of the duke of Normandy; though his aversion to hazardous enterprises engaged him to postpone the execution, and even to keep his purpose secret from all his ministers.

Harold, meanwhile, proceeded after a more open manner, in increasing his popularity, in establishing his power, and in preparing the way for his advancement on the first vacancy; an event which, from the age and infirmities of the king, appeared not very distant. But there was still

an obstacle, which it was requisite for him previously to overcome. Earl Godwin, when restored to his power and fortune, had given hostages for his good behavior; and among the rest one son and one grandson, whom Edward, for greater security, as has been related, had consigned to the custody of the duke of Normandy. Harold, though not aware of the duke's being his competitor, was uneasy that such near relations should be detained prisoners in a foreign country; and he was afraid lest William should, in favor of Edgar, retain these pledges as a check on the ambition of any other pretender. He represented, therefore, to the king his unfeigned submission to royal authority, his steady duty to his prince, and the little necessity there was, after such a uniform trial of his obedience, to detain any longer those hostages, who had been required on the first composing of civil discords. By these topics, enforced by his great power, he extorted the king's consent to release them; and in order to effect his purpose, he immediately proceeded, with a numerous retinue, on his journey to Normandy. A tempest drove him on the territory of Guy, count of Ponthieu, who, being informed of his quality, immediately detained him prisoner, and demanded an exorbitant sum for his ransom. Harold found means to convey intelligence of his situation to the duke of Normandy; and represented that, while he was proceeding to his court, in execution of a commission from the king of England, he had met with this harsh treatment from the mercenary disposition of the count of Ponthieu.

William was immediately sensible of the importance of the incident. He foresaw that, if he could once gain Harold, either by favors or menaces, his way to the throne of England would be open, and Edward would meet with no further obstacle in executing the favorable intentions which he had entertained in his behalf. He sent, therefore, a messenger to Guy, in order to demand the liberty of his prisoner; and that nobleman, not daring to refuse so great a prince, put Harold into the hands of the Norman, who conducted him to Rouen. William received him with every demonstration of respect and friendship; and after showing himself disposed to comply with his desire in delivering up the hostages, he took an opportunity of disclosing to him the great secret of his pretensions to the crown of England, and of the will which Edward intended to make in his favor. He desired the assistance of Harold in perfecting that design; he made professions of the utmost gratitude in return for so great an obligation; he

promised that the present grandeur of Harold's family, which supported itself with difficulty under the jealousy and hatred of Edward, should receive new increase from a successor, who would be so greatly beholden to him for his advancement Harold was surprised at this declaration of the duke; but being sensible that he should never recover his own liberty, much less that of his brother and nephew, if he refused the demand, he feigned a compliance with William, renounced all hopes of the crown for himself, and professed his sincere intention of supporting the will of Edward, and seconding the pretensions of the duke of Normandy. William, to bind him faster to his interests, besides offering him one of his daughters in marriage, required him to take an oath that, he would fulfil his promises; and in order to render the oath more obligatory, he employed an artifice well suited to the ignorance and superstition of the age. He secretly conveyed under the altar, on which Harold agreed to swear, the relics of some of the most revered martyrs; and when Harold had taken the oath, he showed him the relics, and admonished him to observe religiously an engagement which had been ratified by so tremendous a sanction.<sup>49</sup> The English nobleman was astonished; but dissembling his concern, he renewed the same professions, and was dismissed with all the marks of mutual confidence by the duke of Normandy.

When Harold found himself at liberty, his ambition suggested casuistry sufficient to justify to him the violation of an oath, which had been extorted from him by fear, and which, if fulfilled, might be attended with the subjection of his native country to a foreign power. He continued still to practise every art of popularity; to increase the number of his partisans; to reconcile the minds of the English to the idea of his succession; to revive their hatred of the Normans; and, by an ostentation of his power and influence, to deter the timorous Edward from executing his intended destination in favor of William. Fortune, about this time, threw two incidents in his way, by which he was enabled to acquire general favor, and to increase the character, which he had already attained, of virtue and abilities.

The Welsh, though a less formidable enemy than the Danes, had long been accustomed to infest the western borders; and after committing spoil

on the low countries, they usually made a hasty retreat into their mountains, where they were sheltered from the pursuit of their enemies, and were ready to seize the first favorable opportunity of renewing their depredations. Griffith, the reigning prince, had greatly distinguished himself in those incursions; and his name had become so terrible to the English, that Harold found he could do nothing more acceptable to the public, and more honorable for himself, than the suppressing of so dangerous an enemy. He formed the plan of an expedition against Wales; and having prepared some light-armed foot to pursue the natives in their fastnesses, some cavalry to scour the open country, and a squadron of ships to attack the sea-coast, he employed at once all these forces against the Welsh, prosecuted his advantages with vigor, made no intermission in his assaults, and at last reduced the enemy to such distress, that, in order to prevent their total destruction, they made a sacrifice of their prince, whose head they cut off, and sent to Harold; and they were content to receive as their sovereigns two Welsh noblemen appointed by Edward to rule over them. The other incident was no less honorable to Harold.

Tosti, brother of this nobleman, who had been created duke of Northumberland, being of a violent, tyrannical temper, had acted with such cruelty and injustice, that the inhabitants rose in rebellion, and chased him from his government. Morcar and Edwin, two brothers, who possessed great power in those parts, and who were grandsons of the great duke, Leofric, concurred in the insurrection; and the former, being elected duke, advanced with an army to oppose Harold, who was commissioned by the king to reduce and chastise the Northumbrians. Before the armies came to action, Morcar, well acquainted with the generous disposition of the English commander, endeavored to justify his own conduct. He represented to Harold, that Tosti had behaved in a manner unworthy of the station to which he was advanced, and no one, not even a brother, could support such tyranny, without participating, in some degree, of the infamy attending it; that the Northumbrians, accustomed to a legal administration, and regarding it as their birthright, were willing to submit to the king, but required a governor who would pay regard to their rights and privileges; that they had been taught by their ancestors, that death was preferable to servitude, and had taken the field determined to perish, rather than suffer a renewal of those indignities to which they had so long



been exposed; and they trusted that Harold, on reflection, would not defend in another that violent conduct, from which he himself in his own government, had always kept at so great a distance. Thus vigorous remonstrance was accompanied with such a detail of facts, so well supported, that Harold found it prudent to abandon his brother's cause; and returning to Edward, he persuaded him to pardon the Northumbrians, and to confirm Morcar in the government. He even married the sister of that nobleman;<sup>50</sup> and by his interest procured Edwin, the younger brother, to be elected into the government of Mercia. Tosti in a rage departed the kingdom, and took shelter in Flanders with Earl Baldwin, his father-in-law.

By this marriage, Harold broke all measures with the duke of Normandy, and William clearly perceived that he could no longer rely on the oaths and promises which he had extorted from him. But the English nobleman was now in such a situation, that he deemed it no longer necessary to dissemble. He had, in his conduct towards the Northumbrians, given such a specimen of his moderation as had gained him the affections of his countrymen. He saw that almost all England was engaged in his interests; while he himself possessed the government of Wessex, Morcar that of Northumberland, and Edwin that of Mercia. He now openly aspired to the succession; and insisted, that since it was necessary, by the confession of all, to set aside the royal family, on account of the imbecility of Edgar, the sole surviving heir, there was no one so capable of filling the throne, as a nobleman of great power of mature age, of long experience, of approved courage and abilities, who, being a native of the kingdom, would effectually secure it against the dominion and tyranny of foreigners. Edward, broken with age and infirmities, saw the difficulties too great for him to encounter; and though his inveterate prepossessions kept him from seconding the pretensions of Harold, he took but feeble and irresolute steps for securing the succession to the duke of Normandy.<sup>51</sup> While he continued in this uncertainty, he was surprised by sickness, which brought him to his grave on the fifth of January, 1066, in the sixty-fifth year of his age, and twenty-fifth of his reign.

This prince, to whom the monks gave the title of Saint and Confessor, was the last of the Saxon line that ruled in England. Though his reign was

peaceable and fortunate, he owed his prosperity less to his own abilities than to the conjunctures of the times. The Danes, employed in other enterprises, at tempted not those incursions which had been so troublesome to all his predecessors, and fatal to some of them. The facility of his disposition made him acquiesce under the government of Godwin and his son Harold; and the abilities, as well as the power of these noblemen, enabled them, while they were intrusted with authority, to preserve domestic peace and tranquillity. The most commendable circumstance of Edward's government was his attention to the administration of justice, and his compiling, for that purpose, a body of laws which he collected from the laws of Ethelbert, Ina, and Alfred. This compilation, though now lost, (for the laws that pass under Edward's name were composed afterwards,<sup>52</sup>) was long the object of affection to the English nation.

Edward the Confessor was the first that touched for the king's evil: the opinion of his sanctity procured belief to this cure among the people: his successors regarded it as a part of their state and grandeur to uphold the same opinion. It has been continued down to our time; and the practice was first dropped by the present royal family, who observed that it could no longer give amazement even to the populace, and was attended with ridicule in the eyes of all men of understanding.

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<sup>24</sup> Spelm. Glossary in verbo Hocday.]

<sup>25</sup> Anglia Sacra, vol. i. p.237]

<sup>26</sup> Higden, p. 277.]

<sup>27</sup> Ingulph. p. 62.]

<sup>28</sup> Ingulph. p. 62.]

<sup>29</sup> Chron. Sax. p. 161.]

<sup>30</sup> Chron. Sax. p. 157.]

<sup>31</sup> W. Malms, p. 80, Higden, p. 277. Abbae Rieval. p. 366, 377 M. West. p. 221. Chron. Thorn. Wykes, p. 21, Anglia Sacra, vol i. p, 241.]

<sup>32</sup> Chron. Sax. p. 163. W. Malms, p. 81. Higden, p. 279]

<sup>33</sup> Chron. Sax. p. 163. W. Mabus. p. 81.]

<sup>34</sup>..... Sim. Dunelm. p. 186.]

<sup>35</sup>..... Chron. Sax. p. 166]

<sup>36</sup>..... Chron. Sax. p. 166.]

<sup>37</sup> The ingenious author of the article Godwin, in the Biographia Britannica, has endeavored to clear the memory of that nobleman, upon the supposition that all the English annals had been falsified by the Norman historians after the conquest. But that this supposition has not much foundation appears hence, that almost all these historians have given a very good character of his son Harold, whom it was much more the interest of the Norman cause to blacken.]

<sup>38</sup>..... Brompton, p. 918]

<sup>39</sup>..... W. Malms, p. 79. Hoveden, p. 443. Chron. Mailr. p. 158 Buchanan, p, 115, edit. 1715].

<sup>40</sup>..... Irgulph. p. 68]

<sup>41</sup>..... Brompton, p. 910.]

<sup>42</sup>..... W. Malms, p. 95.]

<sup>43</sup>..... Ypod. Neust. p. 452.]

<sup>44</sup>..... Malms, p. 95. Gul. Gemet. lib. vii. cap. 1]

<sup>45</sup>..... W. Malms, p. 97.]

<sup>46</sup>..... Hoveden, p. 442. Ingulph. p, 65. Chron. Mailr. p. 157 Higden, p. 279.]

<sup>47</sup>..... Ingulph. p. 68. Gul. Gemet. lib. vii. cap. 31 Order Vitalis. p. 492.]

<sup>48</sup>..... Wace, p. 459, 460. MS. penes Carte, p. 354. W. Malms, p. 93 H Hunting, p 366. Hoveden, p. 449. Brompton, p. 947.]

<sup>49</sup>..... Order. Vitalis, p. 492.]

<sup>50</sup>..... The whole story of the transactions between Edward, Harold, and the duke of Normandy, is told so differently by the ancient writers, that there are few important passages of the English history liable to so great uncertainty. I have followed the account which appeared to me the most consistent and probable. It does not seem likely that Edward ever executed a will in the duke's favor; much less that he got it ratified by the states of the kingdom, as is affirmed by some. The will would have been known to all, and would have been produced by the Conqueror, to whom it gave so plausible, and really so just, a title; but the doubtful and ambiguous manner in which he seems always to have mentioned it, proves that he could only plead the known intentions of that monarch in his favor, which he was

desirous to call a will. There is indeed a charter of the Conqueror preserved by Dr. Hicke, (vol. i.) where he calls himself "rex hereditarius," meaning heir by will; but a prince possessed of so much power, and attended with so much success, may employ what pretence he pleases; it is sufficient to refute his pretences to observe, that there is a great difference and variation among historians with regard to a point which, had it been real, must have been agreed upon by all of them.

Again, some historians, particularly Malmsbury and Matthew of Westminster, affirm that Harold had no intention of going over to Normandy, but that taking the air in a pleasure boat on the coast, he was driven over by stress of weather to the territories of Guy, count of Ponthieu: but besides that this story is not probable in itself, and is contradicted by most of the ancient historians, it is contradicted by a very curious and authentic monument lately discovered. It is a tapestry, preserved in the ducal palace of Rouen, and supposed to have been wrought by orders of Matilda, wife to the emperor; at least it is of very great antiquity. Harold is there represented as taking his departure from King Edward, in execution of some commission, and mounting his vessel with a great train. The design of redeeming his brother and nephew, who were hostages, is the most likely cause that can be assigned; and is accordingly mentioned by Eadmer, Hoveden, Brompton, and Simeon of Durham. For a further account of this piece of tapestry, see *Histoire de l'Académie de Littérature*, tom. ix. p. 535.]

<sup>51</sup> Spelm. in verbo Belliva.]

## HAROLD

**H**arold had so well prepared matters before the death of <sup>1066</sup>. Edward, that he immediately stepped into the vacant throne; and his accession was attended with as little opposition and disturbance, as if he had succeeded by the most undoubted hereditary title. The citizens of London were his zealous partisans; the bishops and clergy had adopted his cause; and all the powerful nobility, connected with him by alliance or friendship, willingly seconded his pretensions. The title of Edgar Atheling was scarcely mentioned, much less the claim of the duke of Normandy; and Harold, assembling his partisans, received the crown from their hands, without waiting for the free deliberation of the states, or regularly submitting the question to their determination.<sup>53</sup> If any were averse to this measure, they were obliged to conceal their sentiments; and

the new prince, taking a general silence for consent, and founding his title on the supposed suffrages of the people, which appeared unanimous, was, on the day immediately succeeding Edward's death, crowned and anointed king, by Aldred, archbishop of York. The whole nation seemed joyfully to acquiesce in his elevation.

The first symptoms of danger which the king discovered, came from abroad, and from his own brother, Tosti, who had submitted to a voluntary banishment in Flanders. Enraged at the successful ambition of Harold, to which he himself had fallen a victim, he filled the court of Baldwin with complaints of the injustice which he had suffered; he engaged the interest of that family against his brother; he endeavored to form intrigues with some of the discontented nobles in England he sent his emissaries to Norway, in order to rouse to arms the freebooters of that kingdom, and to excite their hopes of reaping advantage from the unsettled state of affairs on the usurpation of the new king; and, that he might render the combination more formidable, he made a journey to Normandy, in expectation that the duke, who had married Matilda, another daughter of Baldwin, would, in revenge of his own wrongs, as well as those of Tosti, second, by his counsels and forces, the projected invasion of England.<sup>54</sup>

The duke of Normandy, when he first received intelligence of Harold's intrigues and accessions, had been moved to the highest pitch of indignation; but that he might give the better color to his pretensions, he sent an embassy to England, upbraiding that prince with his breach of faith, and summoning him to resign, immediately, possession of the kingdom. Harold replied to the Norman ambassadors, that the oath, with which he was reproached, had been extorted by the well-grounded fear of violence, and could never, for that reason, be regarded as obligatory; that he had had no commission, either from the late king or the states of England, who alone could dispose of the crown, to make any tender of the succession to the duke of Normandy; and if he, a private person, had assumed so much authority, and had even voluntarily sworn to support the duke's pretensions, the oath was unlawful, and it was his duty to seize the first opportunity of breaking it: that he had obtained the crown by the unanimous suffrages of the people, and should prove himself totally unworthy of their favor, did he not strenuously maintain those national

liberties, with whose protection they had intrusted him; and that the duke, if he made any attempt by force of arms, should experience the power of a united nation, conducted by a prince who, sensible of the obligations imposed on him by his royal dignity, was determined that the same moment should put a period to his life and to his government.<sup>55</sup>

This answer was no other than William expected; and he had previously fixed his resolution of making an attempt upon England. Consulting only his courage, his resentment, and his ambition, he overlooked all the difficulties inseparable from an attack on a great kingdom by such inferior force, and he saw only the circumstances which would facilitate his enterprise. He considered that England, ever since the accession of Canute, had enjoyed profound tranquillity, during a period of near fifty years; and it would require time for its soldiers, enervated by long peace, to learn discipline, and its generals experience. He knew that it was entirely unprovided with fortified towns, by which it could prolong the war; but must venture its whole fortune in one decisive action, against a veteran enemy, who, being once master of the field, would be in a condition to overrun the kingdom. He saw that Harold, though he had given proofs of vigor and bravery, had newly mounted a throne which he had acquired by faction, from which he had excluded a very ancient royal family, and which was likely to totter under him by its own instability, much more if shaken by any violent external impulse. And he hoped that the very circumstance of his crossing the sea, quitting his own country, and leaving himself no hopes of retreat, as it would astonish the enemy by the boldness of the enterprise, would inspirit his soldiers by despair, and rouse them to sustain the reputation of the Norman arms.

The Normans, as they had long been distinguished by valor among all the European nations, had, at this time, attained to the highest pitch of military glory. Besides acquiring by arms such a noble territory in France, besides defending it against continual attempts of the French monarch and all its neighbors, besides exerting many acts of vigor under their present sovereign, they had, about this very time, revived their ancient fame, by the most hazardous exploits, and the most wonderful successes, in the other extremity of Europe. A few Norman adventurers in Italy had acquired such an ascendant, not only over the Italians and Greeks, but the

Germans and Saracens, that they expelled those foreigners, procured to themselves ample establishments, and laid the foundation of the opulent kingdom of Naples and Sicily.<sup>56</sup> These enterprises of men, who were all of them vassals in Normandy many of them banished for faction and rebellion, excited the ambition of the haughty William, who disdained, after such examples of fortune and valor, to be deterred from making an Attack on a neighboring country, where he could be supported by the whole force of his principality.

The situation also of Europe inspired William with hopes that, besides his brave Normans, he might employ against England the flower of the military force which was dispersed in all the neighboring states. France, Germany, and the Low Countries, by the progress of the feudal institutions, were divided and subdivided into many principalities and baronies; and the possessors, enjoying the civil jurisdiction within themselves, as well as the right of arms, acted, in many respects, as independent sovereigns, and maintained their properties and privileges, less by the authority of laws, than by their own force and valor. A military spirit had universally diffused itself throughout Europe; and the several leaders, whose minds were elevated by their princely situation, greedily embraced the most hazardous enterprises; and being accustomed to nothing, from their infancy, but recitals of the success attending wars and battles, they were prompted by a natural ambition to imitate those adventures which they heard so much celebrated, and which were so much exaggerated by the credulity of the age. United, however loosely, by their duty to one superior lord, and by their connections with the great body of the community to which they belonged, they desired to spread their fame each beyond his own district and in all assemblies, whether instituted for civil deliberations for military expeditions, or merely for show and entertainment, to outshine each other by the reputation of strength and prowess. Hence their genius for chivalry; hence their impatience of peace and tranquillity; and hence their readiness to embark in any dangerous enterprise, how little soever interested in its failure or success.

William, by his power, his courage, and his abilities, had long maintained a preeminence among those haughty chieftains; and every one who desired to signalize himself by his address in military exercises, or his

valor in action, had been ambitious of acquiring a reputation in the court and in the armies of Normandy. Entertained with that hospitality and courtesy which distinguished the age, they had formed attachments with the prince, and greedily attended to the prospects of the signal glory and elevation which he promised them in return for their concurrence in an expedition against England. The more grandeur there appeared in the attempt, the more it suited their romantic spirit; the fame of the intended invasion was already diffused everywhere; multitudes crowded to tender to the duke their service, with that of their vassals and retainers;<sup>57</sup> and William found less difficulty in completing his levies, than in choosing the most veteran forces, and in rejecting the offers of those who were impatient to acquire fame under so renowned a leader.

Besides these advantages, which William owed to his personal valor and good conduct, he was indebted to fortune for procuring him some assistance, and also for removing many obstacles which it was natural for him to expect, in an undertaking in which all his neighbors were so deeply interested. Conan, count of Brittany, was his mortal enemy: in order to throw a damp upon the duke's enterprise, he chose this conjuncture for reviving his claim to Normandy itself; and he required that, in case of William's success against England, the possession of that duchy should devolve to him.<sup>58</sup> But Conan died suddenly after making this demand; and Hoel, his successor, instead of adopting the malignity, or, more properly speaking, the prudence of his predecessor, zealously seconded the duke's views, and sent his eldest son, Alain Fergant, to serve under him with a body of five thousand Bretons. The counts of Anjou and of Flanders encouraged their subjects to engage in the expedition; and even the court of France, though it might justly fear the aggrandizement of so dangerous a vassal, pursued not its interests on this occasion with sufficient vigor and resolution.

Philip I., the reigning monarch, was a minor; and William, having communicated his project to the council, having desired assistance, and offered to do homage, in case of his success, for the crown of England, was indeed openly ordered to lay aside all thoughts of the enterprise; but the earl of Flanders, his father-in-law, being at the head of the regency,



favoured underhand his levies, and secretly encouraged the adventurous nobility to enlist under the standard of the duke of Normandy.

The emperor, Henry IV., besides openly giving all his vassals permission to embark in this expedition, which so much engaged the attention of Europe, promised his protection to the duchy of Normandy during the absence of the prince, and thereby enabled him to employ his whole force in the invasion of England.<sup>59</sup>

But the most important ally that William gained by his negotiations, was the pope, who had a mighty influence over the ancient barons, no less devout in their religious principles than valorous in their military enterprises. The Roman pontiff, after an insensible progress during several ages of darkness and ignorance, began now to lift his head openly above all the princes of Europe; to assume the office of a mediator, or even an arbiter, in the quarrels of the greatest monarchs; to interpose in all secular affairs; and to obtrude his dictates as sovereign laws on his obsequious disciples. It was a sufficient motive to Alexander II., the reigning pope, for embracing William's quarrel, that he alone had made an appeal to his tribunal, and rendered him umpire of the dispute between him and Harold; but there were other advantages which that pontiff foresaw must result from the conquest of England by the Norman arms. That kingdom, though at first converted by Romish missionaries, though it had afterwards advanced some farther steps towards subjection to Rome, maintained still a considerable independence in its ecclesiastical administration; and forming a world within itself, entirely separated from the rest of Europe, it had hitherto proved inaccessible to those exorbitant claims which supported the grandeur of the papacy. Alexander therefore hoped, that the French and Norman barons, if successful in their enterprise, might import into that country a more devoted reverence to the holy see, and bring the English churches to a nearer conformity with those of the continent. He declared immediately in favor of William's claim; pronounced Harold a perjured usurper; denounced excommunication against him and his adherents; and the more to encourage the duke of Normandy in his enterprise, he sent him a consecrated banner, and a ring with one of St. Peter's hairs in it.<sup>60</sup> Thus were all the ambition and violence of that invasion covered over safely with the broad mantle of religion.

The greatest difficulty which William had to encounter in his preparations, arose from his own subjects in Normandy. The states of the duchy were assembled at Lislebonne; and supplies being demanded for the intended enterprise, which promised so much glory and advantage to their country, there appeared a reluctance in many members both to grant sums so much beyond the common measure of taxes in that age, and to set a precedent of performing their military service at a distance from their own country. The duke, finding it dangerous to solicit them in a body, conferred separately with the richest individuals in the province; and beginning with those on whose affections he most relied, he gradually engaged all of them to advance the sums demanded. The count of Longueville seconded him in this negotiation; as did the count of Mortaigne, Odo, bishop of Baieux, and especially William Fitz-Osborne, count of Breteuil, and constable of the duchy. Every person, when he himself was once engaged, endeavored to bring over others; and at last the states themselves, after stipulating that this concession should be no precedent, voted that they would assist their prince to the utmost in his intended enterprise.<sup>61</sup>

William had now assembled a fleet of three thousand vessels, great and small,<sup>62</sup> and had selected an army of sixty thousand men from among those numerous supplies, which from every quarter solicited to be received into his service.

The camp bore a splendid, yet a martial appearance, from the discipline of the men, the beauty and vigor of the horses, the lustre of the arms, and the accoutrements of both; but above all, from the high names of nobility who engaged under the banners of the duke of Normandy. The most celebrated were Eustace, count of Boulogne, Aimeri de Thouars, Hugh d'Estaples, William d'Evreux, Geoffrey de Rotrou, Roger de Beaumont, William de Warenne, Roger de Montgomery, Hugh de Grantmesnil, Charles Martel, and Geoffrey Giffard.<sup>63</sup> To these bold chieftains William held up the spoils of England as the prize of their valor; and pointing to the opposite shore, called to them that *there* was the field, on which they must erect trophies to their name, and fix their establishments.

While he was making these mighty preparations, the duke, that he might increase the number of Harold's enemies, excited the inveterate rancor of Tosti, and encouraged him, in concert with Harold Halfager, king of Norway, to infest the coasts of England. Tosti, having collected about sixty vessels in the ports of Flanders, put to sea; and after committing some depredations on the south and east coasts, he sailed to Northumberland, and was there joined by Halfager, who came over with a great armament of three hundred sail. The combined fleets entered the Humber, and disembarked the troops, who began to extend their depredations on all sides; when Morcar, earl of Northumberland, and Edwin, earl of Mercia, the king's brother-in-law, having hastily collected some forces, ventured to give them battle. The action ended in the defeat and flight of these two noblemen.

Harold, informed of this defeat, hastened with an army to the protection of his people; and expressed the utmost ardor to show himself worthy of the crown, which had been conferred upon him. This prince, though he was not sensible of the full extent of his danger, from the great combination against him, had employed every art of popularity to acquire the affections of the public; and he gave so many proofs of an equitable and prudent administration, that the English found no reason to repent the choice which they had made of a sovereign. They flocked from all quarters to join his standard; and as soon as he reached the enemy at Stamford, he found himself in condition to give them battle. The action was bloody; but the victory was decisive on the side of Harold, and ended in the total rout of the Norwegians, together with the death of Tosti and Halfager. Even the Norwegian fleet fell into the hands of Harold, who had the generosity to give prince Olave, the son of Halfager, his liberty, and allow him to depart with twenty vessels. But he had scarcely time to rejoice for this victory, when he received intelligence that the duke of Normandy was landed with a great army in the south of England.

The Norman fleet and army had been assembled, early in the summer, at the mouth of the small river Dive, and all the troops had been instantly embarked; but the winds proved long contrary, and detained them in that harbor. The authority, however, of the duke, the good discipline maintained among the seamen and soldiers, and the great care in

supplying them with provisions, had prevented any disorder, when at last the wind became favorable, and enabled them to sail along the coast, till they reached St. Valori. There were, however, several vessels lost in this short passage; and as the wind again proved contrary, the army began to imagine that Heaven had declared against them, and that, notwithstanding the pope's benediction, they were destined to certain destruction. These bold warriors, who despised real dangers, were very subject to the dread of imaginary ones; and many of them began to mutiny, some of them even to desert their colors, when the duke, in order to support their drooping hopes, ordered a procession to be made with the relics of St. Valori,<sup>64</sup> and prayers to be said for more favorable weather.

The wind instantly changed; and as this incident happened on the eve of the feast of St. Michael, the tutelar saint of Normandy, the soldiers, fancying they saw the hand of Heaven in all these concurring circumstances, set out with the greatest alacrity: they met with no opposition on their passage. A great fleet which Harold had assembled, and which had cruised all summer off the Isle of Wight, had been dismissed on his receiving false intelligence that William, discouraged by contrary winds and other accidents, had laid aside his preparations. The Norman armament, proceeding in great order, arrived, without any material loss, at Pevensey, in Sussex; and the army quietly disembarked. The duke himself, as he leaped on shore, happened to stumble and fall; but had the presence of mind, it is said, to turn the omen to his advantage, by calling aloud that he had taken possession of the country. And a soldier, running to a neighboring cottage, plucked some thatch, which, as if giving him seizin of the kingdom, he presented to his general. The joy and alacrity of William and his whole army was so great, that they were nowise discouraged, even when they heard of Harold's great victory over the Norwegians. They seemed rather to wait with impatience the arrival of the enemy.

The victory of Harold, though great and honorable, had proved in the main prejudicial to his interests, and may be regarded as the immediate cause of his ruin. He lost many of his bravest officers and soldiers in the action, and he disgusted the rest by refusing to distribute the Norwegian spoils among them; a conduct which was little agreeable to his usual

generosity of temper, but which his desire of sparing the people, in the war that impended over him from the duke of Normandy, had probably occasioned. He hastened by quick marches to reach this new invader; but though he was reënforced at London and other places with fresh troops, he found himself also weakened by the desertion of his old soldiers, who from fatigue and discontent secretly withdrew from their colors. His brother Gurth, a man of bravery and conduct, began to entertain apprehensions of the event; and remonstrated with the king, that it would be better policy to prolong the war; at least, to spare his own person in the action. He urged to him that the desperate situation of the duke of Normandy made it requisite for that prince to bring matters to a speedy decision, and put his whole fortune on the issue of a battle; but that the king of England, in his own country, beloved by his subjects, provided with every supply, had more certain and less dangerous means of insuring to himself the victory; that the Norman troops, elated on the one hand with the highest hopes, and seeing on the other no resource in case of a discomfiture, would fight to the last extremity; and being the flower of all the warriors of the continent, must be regarded as formidable to the English; that if their first fire, which is always the most dangerous, were allowed to languish for want of action, if they were harassed with small skirmishes, straitened in provisions, and fatigued with the bad weather and deep roads during the winter season which was approaching, they must fall an easy and a bloodless prey to their enemy; that if a general action were delayed, the English, sensible of the imminent danger to which their properties, as well as liberties, were exposed from those rapacious invaders, would hasten from all quarters to his assistance, and would render his army invincible; that, at least, if he thought it necessary to hazard a battle, he ought not to expose his own person out reserve, in case of disastrous accidents, some resource to the liberty and independence of the kingdom; and that having once been so unfortunate as to be constrained to swear, and that upon the holy relics, to support the pretensions of the duke of Normandy, it were better that the command of the army should be intrusted to another, who, not being bound by those sacred ties, might give the soldiers more assured hopes of a prosperous issue to the combat.

Harold was deaf to all these remonstrances. Elated with his past prosperity, as well as stimulated by his native courage, he resolved to give

battle in person; and for that purpose he drew near to the Normans, who had removed their camp and fleet to Hastings, where they fixed their quarters. He was so confident of success, that he sent a message to the duke, promising him a sum of money if he would depart the kingdom without effusion of blood; but his offer was rejected with disdain; and William, not to be behind with his enemy in vaunting, sent him a message by some monks, requiring him either to resign the kingdom, or to hold it of him in fealty, or to submit their cause to the arbitration of the pope, or to fight him in single combat. Harold replied, that the God of battles would soon be the arbiter of all their differences.<sup>65</sup>

The English and Normans now prepared themselves for this important decision; but the aspect of things, on the night before the battle, was very different in the two camps. The English spent the time in riot, and jollity, and disorder; the Normans, in silence, and in prayer, and in the other functions of their religion.<sup>66</sup>

On the morning, the duke called together the most considerable of his commanders, and made them a speech suitable to the occasion. He represented to them, that the event which they and he had long wished for, was approaching; the whole fortune of the war now depended on their swords, and would be decided in a single action; that never army had greater motives for exerting a vigorous courage, whether they considered the prize which would attend their victory, or the inevitable destruction which must ensue upon their discomfiture; that if their martial and veteran bands could once break those raw soldiers, who had rashly dared to approach them, they conquered a kingdom at one blow, and were justly entitled to all its possessions as the reward of their prosperous valor; that, on the contrary, if they remitted in the least their wonted prowess, an enraged enemy hung upon their rear, the sea met them in their retreat, and an ignominious death was the certain punishment of their imprudent cowardice; that by collecting so numerous and brave a host, he had insured every human means of conquest; and the commander of the enemy, by his criminal conduct, had given him just cause to hope for the favor of the Almighty, in whose hands alone lay the event of wars and battles; and that a perjured usurper, anathematized by the sovereign pontiff, and conscious of his own breach of faith would be struck with

terror on their appearance, and would prognosticate to himself that fate which—his multiplied crimes had so justly merited.<sup>67</sup> The duke next divided his army into three lines: the first, led by Montgomery, consisted of archers and light-armed infantry; the second, commanded by Martel, was composed of his bravest battalions, heavy-armed, and ranged in close order; his cavalry, at whose head he placed himself, formed the third line, and were so disposed, that they stretched beyond the infantry, and flanked each wing of the army.<sup>68</sup> He ordered the signal of battle to be given; and the whole army, moving at once, and singing the hymn or song of Roland, the famous peer of Charlemagne,<sup>69</sup> advanced, in order and with alacrity, towards the enemy.

Harold had seized the advantage of a rising ground, and having likewise drawn some trenches to secure his flanks, he resolved to stand upon the defensive, and to avoid all action with the cavalry, in which he was inferior. The Kentish men were placed in the van; a post which they had always claimed as their due: the Londoners guarded the standard; and the king himself, accompanied by his two valiant brothers, Gurth and Leofwin, dismounting, placed himself at the head of his infantry, and expressed his resolution to conquer or to perish in the action. The first attack of the Normans was desperate, but was received with equal valor by the English; and after a furious combat, which remained long undecided, the former, overcome by the difficulty of the ground, and hard pressed by the enemy, began first to relax their vigor, then to retreat; and confusion was spreading among the ranks; when William, who found himself on the brink of destruction, hastened, with a select band, to the relief of his dismayed forces. His presence restored the action; the English were obliged to retire with loss; and the duke, ordering his second line to advance, renewed the attack with fresh forces and with redoubled courage. Finding that the enemy aided by the advantage of ground, and animated by the example of their prince, still made a vigorous resistance, he tried a stratagem which was very delicate in its management, but which seemed advisable in his desperate situation, where, if he gained not a decisive victory, he was totally undone: he commanded his troops to make a hasty retreat, and to allure the enemy from their ground by the appearance of flight. The artifice succeeded against those unexperienced soldiers, who, heated by the action, and sanguine in their hopes, precipitately followed

the Normans into the plain. William gave orders, that at once the infantry should face about upon their pursuers, and the cavalry make an assault upon their wings, and both of them pursue the advantage, which the surprise and terror of the enemy must give them in that critical and decisive moment. The English were repulsed with great slaughter, and driven back to the hill; where, being rallied by the bravery of Harold, they were able, notwithstanding their loss, to maintain the post and continue the combat. The duke tried the same stratagem a second time with the same success; but even after this double advantage, he still found a great body of the English, who, maintaining themselves in firm array, seemed determined to dispute the victory to the last extremity. He ordered his heavy-armed infantry to make an assault upon them; while his archers, placed behind, should gall the enemy, who were exposed by the situation of the ground, and who were intent in defending themselves against the swords and spears of the assailants. By this disposition he at last prevailed: Harold was slain by an arrow, while he was combating with great bravery at the head of his men; his two brothers shared the same fate; and the English, discouraged by the fall of those princes, gave ground on all sides, and were pursued with great slaughter by the victorious Normans. A few troops, however, of the vanquished had still the courage to turn upon their pursuers; and attacking them in deep and miry ground, obtained some revenge for the slaughter and dishonor of the day. But the appearance of the duke obliged them to seek their safety by flight; and darkness saved them from any further pursuit by the enemy.

Thus was gained by William, duke of Normandy, the great and decisive victory of Hastings, after a battle which was fought from morning till sunset, and which seemed worthy, by the heroic valor displayed by both armies and by both commanders, to decide the fate of a mighty kingdom. William had three horses killed under him; and there fell near fifteen thousand men on the side of the Normans: the loss was still more considerable on that of the vanquished, besides the death of the king and his two brothers. The dead body of Harold was brought to William, and was generously restored without ransom to his mother. The Norman army left not the field of battle without giving thanks to Heaven, in the most solemn manner, for their victory: and the prince, having refreshed his



troops, prepared to push to the utmost his advantage against the divided, dismayed, and discomfited English.

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<sup>52</sup> Gul. Pictavensis, p. 196. Ypod. Neust. p. 486. Order. Vitalis, p. 492. M. West. p. 221. W. Malms, p. 93. Ingulph. p. 68. Brompton, p. 957. Knyghton, p. 2339. H. Hunting, p. 210. Many of the historians say, that Harold was regularly elected by the states; some that Edward left him his successor by will]

<sup>53</sup> Order. Vitalis, p. 492.]

<sup>54</sup> W. Malms, p. 99. Higden, p. 28,5. M. West. p. 222. De Gest Angl., incerto auctore, p. 331.]

<sup>55</sup> Gul. Gemet. lib. vii. cap. 30.]

<sup>56</sup> Gul Pict. p. 198.]

<sup>57</sup> Gul. Gemet. lib. vii. cap. 33]

<sup>58</sup> Gul. Pict. p, 198.]

<sup>59</sup> Baker, p. 22, edit. 1634.]

<sup>60</sup> Camden. Introd. ad Britann. p. 212, 2d edit. Gibs. Verstegan. p. 173]

<sup>61</sup> Gul. Gemet. lib. vii. cap. 34.]

<sup>62</sup> Order. Vitalis, p. 501.]

<sup>63</sup> Higden, p. 285. Order Vitalis, p. 500. M. Paris, edit. Pai anno 1644, p. 2.]

<sup>64</sup> Higden, p. 286]

<sup>65</sup> W. Malms, p. 101. De Gest Angl. p. 332]

<sup>66</sup> H. Hunting, p. 368. Brompton, p. 959. Gul. Pict. p. 201.]

<sup>67</sup> Gul. Pict. p. 201. Order. Vitalis, p. 501.]

<sup>68</sup> W. Malms, p. 101. Higden, p. 286. M. West. p. 223. Dr Cange's Glossary, in verbo Cantilena Rolandi.]



## APPENDIX 1.

### THE ANGLO-SAXON GOVERNMENT AND MANNERS.

**T**he government of the Germans, and that of all the northern nations who established themselves on the ruins of Rome, was always extremely free; and those fierce people, accustomed to independence and inured to arms, were more guided by persuasion than authority in the submission which they paid to their princes. The military despotism which had taken place in the Roman empire, and which, previously to the irruption of those conquerors, had sunk the genius of men, and destroyed every noble principle of science and virtue, was unable to resist the vigorous efforts of a free people; and Europe, as from a new epoch, rekindled her ancient spirit, and shook off the base servitude to arbitrary will and authority under which she had so long labored. The free constitutions then established, however impaired by the encroachments of succeeding princes, still preserve an air of independence and legal administration, which distinguished the European nations; and if that part of the globe maintain sentiments of liberty, honor, equity, and valor superior to the rest of mankind, it owes these advantages chiefly to the seeds implanted by those generous barbarians.

The Saxons who subdued Britain, as they enjoyed great liberty in their own country, obstinately retained that invaluable possession in their new settlement; and they imported into this island the same principles of independence which they had inherited from their ancestors. The chieftains, (for such they were, more properly than kings or princes,) who commanded them in those military expeditions, still possessed a very limited authority; and as the Saxons exterminated, rather than subdued, the ancient inhabitants, they were indeed transplanted into a new territory, but preserved unaltered all their civil and military institutions. The language was pure Saxon; even the names of places, which often remain while the tongue entirely changes, were almost all affixed by the conquerors; the manners and customs were wholly German; and the same picture of a fierce and bold liberty, which is drawn by the masterly pencil of Tacitus, will suit those founders of the English government. The king, so

far from being invested with arbitrary power, was only considered as the first among the citizens; his authority depended more on his personal qualities than on his station; he was even so far on a level with the people, that a stated price was fixed for his head, and a legal fine was levied upon his murderer, which, though proportionate to his station, and superior to that paid for the life of a subject, was a sensible mark of his subordination to the community.

It is easy to imagine that an independent people, so little restrained by law and cultivated by science, would not be very strict in maintaining a regular succession of their princes. Though they paid great regard to the royal family, and ascribed to it an undisputed superiority, they either had no rule, or none that was steadily observed, in filling the vacant throne; and present convenience, in that emergency, was more attended to than general principles. We are not, however, to suppose that the crown was considered as altogether elective; and that a regular plan was traced by the constitution for supplying, by the suffrages of the people, every vacancy made by the demise of the first magistrate. If any king left a son of an age and capacity fit for government, the young prince naturally stepped into the throne: if he was a minor, his uncle, or the next prince of the blood, was promoted to the government, and left the sceptre to his posterity: any sovereign, by taking previous measures with the leading men, had it greatly in his power to appoint his successor: all these changes, and indeed the ordinary administration of government, required the express concurrence, or at least the tacit acquiescence of the people; but possession, however obtained, was extremely apt to secure their obedience, and the idea of any right, which was once excluded was but feeble and imperfect. This is so much the case in all barbarous monarchies, and occurs so often in the history of the Anglo-Saxons, that we cannot consistently entertain any other notion of their government. The idea of an hereditary succession in authority is so natural to men, and is so much fortified by the usual rule in transmitting private possessions, that it must retain a great influence on every society, which does not exclude it by the refinements of a republican constitution. But as there is a material difference between government and private possessions, and every man is not as much qualified for exercising the one as for enjoying the other, a people who are not sensible of the general advantages attending a fixed

rule are apt to make great leaps in the succession, and frequently to pass over the person, who, had he possessed the requisite years and abilities, would have been thought entitled to the sovereignty. Thus these monarchies are not, strictly speaking, either elective or hereditary; and though the destination of a prince may often be followed in appointing his successor, they can as little be regarded as wholly testamentary. The states by their suffrage may sometimes establish a sovereign; but they more frequently recognize the person whom they find established: a few great men take the lead; the people, overawed and influenced, acquiesce in the government; and the reigning prince, provided he be of the royal family, passes undisputedly for the legal sovereign.

It is confessed that our knowledge of the Anglo-Saxon history and antiquities is too imperfect to afford us means of determining with certainty all the prerogatives of the crown and privileges of the people, or of giving an exact delineation of that government. It is probable, also, that the constitution might be somewhat different in the different kingdoms of the Heptarchy, and that it changed considerably during the course of six centuries, which elapsed from the first invasion of the Saxons till the Norman conquest.<sup>1</sup> But most of these differences and changes, with their causes and effects, are unknown to us; it only appears that, at all times and in all the kingdoms, there was a national council, called a wittenagemot, or assembly of the wise men, (for that is the import of the term,) whose consent was requisite for enacting laws, and for ratifying the chief acts of public administration.

The preambles to all the laws of Ethelbert, Ina, Alfred, Edward the Elder, Athelstan, Edmond, Edgar, Ethelred, and Edward the Confessor; even those to the laws of Canute though a kind of conqueror, put this matter beyond controversy, and carry proofs every where of a limited and legal government. But who were the constituent members of this wittenagemot has not been determined with certainty by antiquaries. It is agreed that the bishops and abbots<sup>2</sup> were an essential part; and it is also evident, from the tenor of those ancient laws, that the wittenagemot enacted statutes which regulated the ecclesiastical as well as civil government, and that those dangerous principles, by which the church is totally severed from the state, were hitherto unknown to the Anglo-

Saxons.<sup>3</sup> It also appears that the aldermen or governors of counties, who, after the Danish times, were often called earls,<sup>4</sup> were admitted into this council, and gave their consent to the public statutes. But besides the prelates and aldermen, there is also mention of the wites, or wisemen, as a component part of the wittenagemot; but who these were is not so clearly ascertained by the laws or the history of that period. The matter would probably be of difficult discussion, even were it examined impartially; but as our modern parties have chosen to divide on this point, the question has been disputed with the greater obstinacy, and the arguments on both sides have become, on that account, the more captious and deceitful. Our monarchical faction maintain that these “wites,” or “sapientes,” were the judges, or men learned in the law: the popular faction assert them to be representatives of the boroughs, or what we now call the commons.

The expressions employed by all ancient historians in mentioning the wittenagemot, seem to contradict the latter supposition. The members are almost always called the “principes, satrapæ, optimates, magnates, proceres;” terms which seem to suppose an aristocracy, and to exclude the commons. The boroughs also, from the low state of commerce, were so small and so poor, and the inhabitants lived in such dependence on the great men,<sup>5</sup> that it seems nowise probable they would be admitted as a part of the national councils. The commons are well known to have had no share in the governments established by the Franks, Burgundians, and other northern nations; and we may conclude that the Saxons, who remained longer barbarous and uncivilized than those tribes, would never think of conferring such an extraordinary privilege on trade and industry.

The military profession alone was honorable among all those conquerors: the warriors subsisted by their possessions in land: they became considerable by their influence over their vassals, retainers, tenants, and slaves: and it requires strong proof to convince us that they would admit any of a rank so much inferior as the burgesses, to share with them in the legislative authority. Tacitus indeed affirms that, among the ancient Germans, the consent of all the members of the community was required in every important deliberation; but he speaks not of representatives; and this ancient practice, mentioned by the Roman historian, could only have place in small tribes, where every citizen might

without inconvenience be assembled upon any extraordinary emergency. After principalities became extensive, after the difference of property had formed distinctions more important than those which arose from personal strength and valor, we may conclude that the national assemblies must have been more limited in their number, and composed only of the more considerable citizens.

But, though we must exclude the burgesses or commons from the Saxon wittenagemot, there is some necessity for supposing that this assembly consisted of other members than the prelates, abbots, alderman, and the judges or privy council. For as all these, excepting some of the ecclesiastics,<sup>6</sup> were anciently appointed by the king, had there been no other legislative authority, the royal power had been, in a great measure, absolute, contrary to the tenor of all the historians, and to the practice of all the northern nations.

We may, therefore, conclude that the more considerable proprietors of land were, without any election, constituent members of the national assembly: there is reason to think that forty hides, or between four and five thousand acres, was the estate requisite for entitling the possessors to this honorable privilege. We find a passage in an ancient author,<sup>7</sup> by which it appears that a person of very noble birth, even one allied to the crown, was not esteemed a “princeps” (the term usually employed by ancient historians, when the wittenagemot is mentioned) till he had acquired a fortune of that amount. Nor need we imagine that the public council would become disorderly or confused by admitting so great a multitude. The landed property of England was probably in few hands during the Saxon times, at least, during the latter part of that period; and, as men had hardly any ambition to attend those public councils, there was no danger of the assembly’s becoming too numerous for the despatch of the little business which was brought before them.

It is certain that, whatever we may determine concerning the constituent members of the wittenagemot, in whom, with the king, the legislature resided, the Anglo-Saxon government, in the period preceding the Norman conquest, was becoming extremely aristocratical: the royal authority was very limited; the people, even if admitted to that assembly, were of little or no weight and consideration. We have hints given us in

historians of the great power and riches of particular noblemen; and it could not but happen, after the abolition of the Heptarchy, when the king lived at a distance from the provinces, that those great proprietors, who resided on their estates, would much augment their authority over their vassals and retainers, and over all the inhabitants of the neighborhood. Hence the immeasurable power assumed by Harold, Godwin, Leofric, Siward, Morcar, Edwin, Edric, and Alfric who controlled the authority of the kings, and rendered themselves quite necessary in the government. The two latter, though detested by the people on account of their joining a foreign enemy, still preserved their power and influence; and we may therefore conclude that their authority was founded, not on popularity, but on family rights and possessions. There is one Athelstan, mentioned in the reign of the king of that name, who is called alderman of all England, and is said to be half king; though the monarch himself was a prince of valor and abilities.<sup>8</sup> And we find that in the later Saxon times, and in these alone, the great offices went from father to son, and became in a manner hereditary in the families.<sup>9</sup>

The circumstances attending the invasions of the Danes would also serve much to increase the power of the principal nobility. Those freebooters made unexpected inroads on all quarters, and there was a necessity that each county should resist them by its own force, and under the conduct of its own nobility and its own magistrates. For the same reason that a general war, managed by the united efforts of the whole state commonly augments the power of the crown, those private wars and inroads turned to the advantage of the aldermen and nobles.

Among that military and turbulent people, so averse to commerce and the arts, and so little inured to industry, justice was commonly very ill administered, and great oppression and violence seem to have prevailed. These disorders would be increased by the exorbitant power of the aristocracy; and would, in their turn, contribute to increase it. Men, not daring to rely on the guardianship of the laws, were obliged to devote themselves to the service of some chieftain, whose orders they followed even to the disturbance of the government, or the injury of their fellow-citizens, and who afforded them, in return, protection from any insult or injustice by strangers. Hence we find, by the extracts which Dr. Brady has

given us from Domesday, that almost all the inhabitants, even of towns, had placed themselves under the clientship of some particular nobleman, whose patronage they purchased by annual payments, and whom they were obliged to consider as their sovereign, more than the king himself, or even the legislature.<sup>10</sup>

A client, though a freeman, was supposed so much to belong to his patron, that his murderer was obliged by law to pay a fine to the latter, as a compensation for his loss; in like manner as he paid a fine to the master for the murder of his slave.<sup>11</sup> Men who were of a more considerable rank, but not powerful enough each to support himself by his own independent authority, entered into formal confederacies with each other, and composed a kind of separate community, which rendered itself formidable to all aggressors. Dr. Hickes has preserved a curious Saxon bond of this kind, which he calls a “sodalitium,” and which contains many particulars characteristic of the manners and customs of the times.<sup>12</sup> All the associates are there said to be gentlemen of Cambridgeshire; and they swear before the holy relics to observe their confederacy, and to be faithful to each other: they promise to bury any of the associates who dies, in whatever place he had appointed; to contribute to his funeral charges, and to attend to his interment; and whoever is wanting in this last duty, binds himself to pay a measure of honey. When any of the associates is in danger, and calls for the assistance of his fellows, they promise, besides flying to his succor, to give information to the sheriff; and if he be negligent in protecting the person exposed to danger, they engage to levy a fine of one pound upon him; if the president of the society himself be wanting in this particular, he binds himself to pay one pound; unless he has the reasonable excuse of sickness, or of duty to his superior. When any of the associates is murdered, they are to exact eight pounds from the murderer; and if he refuse to pay it, they are to prosecute him for the sum at their joint expense. If any of the associates, who happens to be poor, kill a man, the society are to contribute, by a certain proportion, to pay his fine,—a mark apiece, if the fine be seven hundred shillings; less if the person killed be a clown or ceorle; the half of that sum, again, if he be a Welshman. But where any of the associates kill a man wilfully and without provocation, he must himself pay the fine. If any of the associates kill any of his fellows in a like criminal manner, besides paying the usual fine to



the relations of the deceased, he must pay eight pounds to the society, or renounce the benefit of it; in which case they bind themselves, under the penalty of one pound, never to eat or drink with him, except in the presence of the king, bishop, or alderman. There are other regulations to protect themselves and their servants from all injuries, to revenge such as are committed, and to prevent their giving abusive language to each other; and the fine which they engage to pay for this last offence is a measure of honey.

It is not to be doubted but a confederacy of this kind must have been a great source of friendship and attachment, when men lived in perpetual danger from enemies, robbers, and oppressors, and received protection chiefly from their personal valor, and from the assistance of their friends and patrons. As animosities were then more violent, connections were also more intimate, whether voluntary or derived from blood: the most remote degree of propinquity was regarded; an indelible memory of benefits was preserved; severe vengeance was taken for injuries, both from a point of honor and as the best means of future security; and the civil union being weak, many private engagements were contracted, in order to supply its place, and to procure men that safety, which the laws and their own innocence were not alone able to insure to them.

On the whole, notwithstanding the seeming liberty, or rather licentiousness, of the Anglo-Saxons, the great body, even of the free citizens, in those ages, really enjoyed much less true liberty than where the execution of the laws is the most severe, and where subjects are reduced to the strictest subordination and dependence on the civil magistrate. The reason is derived from the excess itself of that liberty. Men must guard themselves at any price against insults and injuries; and where they receive not protection from the laws and magistrates, they will seek it by submission to superiors, and by herding in some private confederacy, which acts under the direction of a powerful leader. And thus all anarchy is the immediate cause of tyranny, if not over the state, at least over many of the individuals.

Security was provided by the Saxon laws to all members of the wittenagemot, both in going and returning, "except they were notorious thieves and robbers."

The German Saxons, as the other nations of that continent, were divided into three ranks of men—the noble, the free, and the slaves.<sup>13</sup> This distinction they brought over with them into Britain.

The nobles were called thanes; and were of two kinds, the king's thanes and lesser thanes. The latter seem to have been dependent on the former, and to have received lands, for which they paid rent, services, or attendance in peace and war.<sup>14</sup> We know of no title which raised any one to the rank of thane, except noble birth and the possession of land. The former was always much regarded by all the German nations, even in their most barbarous state; and as the Saxon nobility, having little credit, could scarcely burden their estates with much debt, and as the commons had little trade or industry by which they could accumulate riches' these two ranks of men, even though they were not separated by positive laws, might remain long distinct, and the noble families continue many ages in opulence and splendor. There were no middle ranks of men, that could gradually mix with their superiors, and insensibly procure to themselves honor and distinction. If, by any extraordinary accident, a mean person acquired riches, a circumstance so singular made him be known and remarked; he became the object of envy, as well as of indignation, to all the nobles; he would have great difficulty to defend what he had acquired; and he would find it impossible to protect himself from oppression, except by courting the patronage of some great chieftain, and paying a large price for his safety.

There are two statutes among the Saxon laws, which seem calculated to confound those different ranks of men; that of Athelstan, by which a merchant, who had made three long sea voyages on his own account, was entitled to the quality of thane;<sup>15</sup> and that of the same prince, by which a ceorle, or husbandman, who had been able to purchase five hides of land, and had a chapel, a kitchen, a hall, and a bell, was raised to the same distinction.<sup>16</sup> But the opportunities were so few, by which a merchant or ceorle could thus exalt himself above his rank, that the law could never overcome the reigning prejudices; the distinction between noble and base blood would still be indelible; and the well-born thanes would entertain the highest contempt for those legal and factitious ones. Though we are not informed of any of these circumstances by ancient historians, they are

so much founded on the nature of things, that we may admit them as a necessary and infallible consequence of the situation of the kingdom during those ages.

The cities appear by domesday-book to have been, at the conquest little better than villages.<sup>17</sup> York itself, though it was always the second, at least the third<sup>18</sup> city in England, and was the capital of a great province, which never was thoroughly united with the rest, contained then but one thousand four hundred and eighteen families.<sup>19</sup> Malmesbury tells us,<sup>20</sup> that the great distinction between the Anglo-Saxon nobility and the French and Norman, was, that the latter built magnificent and stately castles; whereas the former consumed their immense fortunes in riot and hospitality, and in mean houses. We may thence infer, that the arts in general were much less advanced in England than in France: a greater number of idle servants and retainers lived about the great families; and as these, even in France, were powerful enough to disturb the execution of the laws, we may judge of the authority acquired by the aristocracy in England. When Earl Godwin besieged the Confessor in London, he summoned from all parts his huscarles, or houseceorles and retainers, and thereby constrained his sovereign to accept of the conditions which he was pleased to impose upon him.

The lower rank of freemen were denominated ceorles among the Anglo-Saxons; and where they were industrious they were chiefly employed in husbandry; whence a ceorle and a husbandman became in a manner synonymous terms. They cultivated the farms of the nobility, or thanes, for which they paid rent; and they seem to have been removable at pleasure; for there is little mention of leases among the Anglo-Saxons: the pride of the nobility, together with the general ignorance of writing, must have rendered those contracts very rare, and must have kept the husbandmen in a dependent condition. The rents of farms were then chiefly paid in kind.<sup>21</sup>

But the most numerous rank by far in the community to have been the slaves or villains, who were the property of their lords, and were consequently incapable themselves of possessing any property. Dr. Brady assures us, from a survey of domesday-book,<sup>22</sup> that, in all the counties of England, the far greater part of the land was occupied by them, and that

the husbandmen, and still more the socmen, who were tenants that, could not be removed at pleasure, were very few in comparison. This was not the case with the German nations, as far as we can collect from the account given us by Tacitus. The perpetual wars in the Heptarchy, and the depredations of the Danes, seem to have been the cause of this great alteration with the Anglo-Saxons. Prisoners taken in battle, or carried off in the frequent inroads, were then reduced to slavery, and became, by right of war,<sup>23</sup> entirely at the disposal of their lords. Great property in the nobles, especially if joined to an irregular administration of justice, naturally favors the power of the aristocracy; but still more so, if the practice of slavery be admitted, and has become very common. The nobility not only possess the influence which always attends riches, but also the power which the laws give them over their slaves and villains. It then becomes difficult, and almost impossible, for a private man to remain altogether free and independent.

There were two kinds of slaves among the Anglo-Saxons; household slaves, after the manner of the ancients, and praedial, or rustic, after the manner of the Germans.<sup>24</sup> These latter resembled the serfs, which are at present to be met with in Poland, Denmark, and some parts of Germany. The power of a master over his slaves was not unlimited among the Anglo-Saxons, as it was among their ancestors. If a man beat out his slave's eye or teeth, the slave recovered his liberty;<sup>25</sup> if he killed him, he paid a fine to the king, provided the slave died within a day after the wound or blow; otherwise it passed unpunished.<sup>26</sup> The selling of themselves or children to slavery, was always the practice among the German nations,<sup>27</sup> and was continued by the Anglo-Saxons.<sup>28</sup>

The great lords and abbots among the Anglo-Saxons possessed a criminal jurisdiction within their territories, and could punish without appeal any thieves or robbers whom they caught there.<sup>29</sup> This institution must have had a very contrary effect to that which was intended, and must have procured robbers a sure protection on the lands of such noblemen as did not sincerely mean to discourage crimes and violence.

But though the general strain of the Anglo-Saxon government seems to have become aristocratical, there were still considerable remains of the ancient democracy, which were not indeed sufficient to protect the lowest

of the people, without the patronage of some great lord, but might give security, and even some degree of dignity, to the gentry or inferior nobility. The administration of justice, in particular, by the courts of the decenary, the hundred, and the county, was well calculated to defend general liberty, and to restrain the power of the nobles. In the county courts, or shiremot, all the freeholders were assembled twice a year, and received appeals from the inferior courts. They there decided all causes, ecclesiastical as well as civil; and the bishop, together with the alderman or earl, presided over them.<sup>30</sup> The affair was determined in a summary manner, without much pleading formality, or delay, by a majority of voices; and the bishop and alderman had no further authority than to keep order among the freeholders, and interpose with their opinion.<sup>31</sup> Where justice was denied during three sessions by the hundred, and then by the county court, there lay an appeal to the king's court;<sup>32</sup> but this was not practised on slight occasions. The aldermen received a third of the fines levied in those courts;<sup>33</sup> and as most of the punishments were then pecuniary, this perquisite formed a considerable part of the profits belonging to his office. The two thirds also, which went to the king, made no contemptible part of the public revenue. Any free-holder was fined who absented himself thrice from these courts.<sup>34</sup>

As the extreme ignorance of the age made deeds and writings very rare, the county or hundred court was the place where the most remarkable civil transactions were finished, in order to preserve the memory of them, and prevent all future disputes. Here testaments were promulgated, slaves manumitted, bargains of sale concluded, and sometimes, for greater security, the most considerable of these deeds were inserted in the blank leaves of the parish Bible, which thus became a kind of register, too sacred to be falsified. It was not unusual to add to the deed an imprecation on all such as should be guilty of that crime.<sup>35</sup>

Among a people who lived in so simple a manner as the Anglo-Saxons, the judicial power is always of greater importance than the legislative. There were few or no taxes imposed by the states; there were few statutes enacted; and the nation was less governed by laws, than by customs, which admitted a great latitude of interpretation. Though it should, therefore, be allowed, that the wittenagemot was altogether composed of the principal

nobility, the county courts, where all the freeholders were admitted, and which regulated all the daily occurrences of life, formed a wide basis for the government, and were no contemptible checks on the aristocracy. But there is another power still more important than either the judicial or legislative; to wit, the power of injuring or serving by immediate force and violence, for which it is difficult to obtain redress in courts of justice. In all extensive governments, where the execution of the laws is feeble, this power naturally falls into the hands of the principal nobility; and the degree of it which prevails, cannot be determined so much by the public statutes, as by small incidents in history, by particular customs, and sometimes by the reason and nature of things. The highlands of Scotland have long been entitled by law to every privilege of British subjects; but it was not till very lately that the common people could in fact enjoy these privileges.

The powers of all the members of the Anglo-Saxon government are disputed among historians and antiquaries: the extreme obscurity of the subject, even though faction had never entered into the question, would naturally have begotten those controversies. But the great influence of the lords over their slaves and tenants, the clientship of the burghers, the total want of a middling rank of men, the extent of the monarchy, the loose execution of the laws, the continued disorders and convulsions of the state, —all these circumstances evince that the Anglo-Saxon government became at last extremely aristocratical; and the events, during the period immediately preceding the conquest, confirm this inference or conjecture.

Both the punishments inflicted by the Anglo-Saxon courts of judicature, and the methods of proof employed in all causes, appear somewhat singular, and are very different from those which prevail at present among all civilized nations.

We must conceive that the ancient Germans were little removed from the original state of nature: the social confederacy among them was more martial than civil: they had chiefly in view the means of attack or defence against public enemies, not those of protection against their fellow-citizens: their possessions were so slender and so equal, that they were not exposed to great danger; and the natural bravery of the people made every man trust to himself and to his particular friends for his defence or

vengeance. This defect in the political union drew much closer the knot of particular confederacies: an insult upon any man was regarded by all his relations and associates as a common injury: they were bound by honor, as well as by a sense of common interest, to revenge his death, or any violence which he had suffered: they retaliated on the aggressor by like acts of violence; and if he were protected, as was natural and usual, by his own clan, the quarrel was spread still wider, and bred endless disorders in the nation.

The Frisians, a tribe of the Germans, had never advanced beyond this wild and imperfect state of society; and the right of private revenge still remained among them unlimited and uncontrolled.<sup>36</sup> But the other German nations, in the age of Tacitus, had made one step farther towards completing the political or civil union. Though it still continued to be an indispensable point of honor for every clan to revenge the death or injury of a member, the magistrate had acquired a right of interposing in the quarrel, and of accommodating the difference. He obliged the person maimed or injured, and the relations of one killed, to accept of a present from the aggressor and his relations,<sup>37</sup> as a compensation for the injury.<sup>38</sup> and to drop all farther prosecution of revenge. That the accommodation of one quarrel might not be the source of more, this present was fixed and certain according to the rank of the person killed or injured, and was commonly paid in cattle, the chief property of those rude and uncultivated nations.

A present of this kind gratified the revenge of the injured family by the loss which the aggressor suffered: it satisfied then pride by the submission which it expressed: it diminished their regret for the loss or injury of a kinsman by their acquisition of new property; and thus general peace was for a moment restored to the society.<sup>39</sup>

But when the German nations had been settled some time in the provinces of the Roman empire, they made still another step towards a more cultivated life, and their criminal justice gradually improved and refined itself. The magistrate, whose office it was to guard public peace, and to suppress private animosities, conceived himself to be injured by every injury done to any of his people; and besides the compensation to the person who suffered, or to his family, he thought himself entitled to

exact a fine, called the “fridwit,” as an atonement for the breach of peace, and as a reward for the pains which he had taken in accommodating the quarrel. When this idea, which is so natural, was once suggested, it was willingly received both by sovereign and people. The numerous fines which were levied, augmented the revenue of the king; and the people were sensible that he would be more vigilant in interposing with his good offices, when he reaped such immediate advantage from them; and that injuries would be less frequent, when, besides compensation to the person injured, that they were exposed to this additional penalty.<sup>40</sup>

This short abstract contains the history of the criminal jurisprudence of the northern nations for several centuries. The state of England in this particular, during the period of the Anglo-Saxons, may be judged of by the collection of ancient laws, published by Lambard and Wilkins. The chief purport of these laws is not to prevent or entirely suppress private quarrels, which the legislators knew to be impossible, but only to regulate and moderate them. The laws of Alfred enjoin, that if any one know that his enemy or aggressor, after doing him an injury, resolves to keep within his own house *and his own lands*<sup>41</sup> he shall not fight him, till he require compensation for the injury. If he be strong enough to besiege him in his house, he may do it for seven days without attacking him; and if the aggressor be a willing, during that time, to surrender himself and his arms, his adversary may detain him thirty days, but is afterwards obliged to restore him safe to his kindred, “and be content with the compensation.” If the criminal fly to the temple, that sanctuary must not be violated. Where the assailant has not force sufficient to besiege the criminal in his house, he must apply to the alderman for assistance; and if the alderman refuse aid the assailant must have recourse to the king; and he is not allowed to assault the house till after this supreme magistrate has refused assistance. If any one meet with his enemy, and be ignorant that he was resolved to keep within his own lands he must, before he attack him, require him to surrender him self prisoner, and deliver up his arms; in which case he may detain him thirty days; but if he refuse to deliver up his arms it is then lawful to fight him. A slave may fight in his master’s quarrel: a father may fight in his son’s with any one except with his master.<sup>42</sup>



It was enacted by King Ina, that no man should take revenge for an injury till he had first demanded compensation, and had been refused it.<sup>43</sup>

King Edmond, in the preamble to his laws, mentions the general misery occasioned by the multiplicity of private feuds and battles; and he establishes several expedients for remedying this grievance. He ordains that if any one commit murder, he may, with the assistance of his kindred, pay within a twelvemonth the fine of his crime; and if they abandon him, he shall alone sustain the deadly feud or quarrel with the kindred of the murdered person: his own kindred are free from the feud, but on condition that they neither converse with the criminal, nor supply him with meat or other necessaries: if any of them, after renouncing him, receive him into their house, or give him assistance, they are finable to the king, and are involved in the feud. If the kindred of the murdered person take revenge on any but the criminal himself, after he is abandoned by his kindred, all their property is forfeited, and they are declared to be enemies to the king and all his friends.<sup>44</sup> It is also ordained that the fine for murder shall never be remitted by the king,<sup>45</sup> and that no criminal shall be killed who flies to the church, or any of the king's towns;<sup>46</sup> and the king himself declares, that his house shall give no protection to murderers, till they have satisfied the church by their penance, and the kindred of the deceased by making compensation.<sup>47</sup> The method appointed for transacting this composition is found in the same law.<sup>48</sup>

These attempts of Edmond, to contract and diminish the feuds, were contrary to the ancient spirit of the northern barbarians, and were a step towards a more regular administration of justice. By the salic law, any man might, by a public declaration, exempt himself from his family quarrels: but then he was considered by the law as no longer belonging to the family; and he was deprived of all right of succession, as the punishment of his cowardice.<sup>49</sup>

The price of the king's head, or his weregild, as it was then called, was by law thirty thousand thrimsas, near thirteen hundred pounds of present money. The price of the prince's head was fifteen thousand thrimsas; that of a bishop's or alderman's, eight thousand; a sheriff's, four thousand; a thane's or clergyman's, two thousand; a ceorle's, two hundred and sixty-six. These prices were fixed by the laws of the Angles. By the Mercian law,

the price of a ceorle's head was two hundred shillings; that of a thane's, six times as much; that of a king's, six times more.<sup>50</sup> By the laws of Kent, the price of the archbishop's head was higher than that of the king's.<sup>51</sup> Such respect was then paid to the ecclesiastics! It must be understood, that where a person was unable or unwilling to pay the fine, he was put out of the protection of law, and the kindred of the deceased had liberty to punish him as they thought proper.

Some antiquaries<sup>52</sup> have thought that these compensations were only given for manslaughter, not for wilful murder.

But no such distinction appears in the laws; and it is contradicted by the practice of all the other barbarous nations,<sup>53</sup> by that of the ancient Germans,<sup>54</sup> and by that curious monument above mentioned of Saxon antiquity, preserved by Hickes. There is indeed a law of Alfred's which makes wilful murder capital;<sup>55</sup> but this seems only to have been an attempt of that great legislator towards establishing a better police in the kingdom, and it probably remained without execution. By the laws of the same prince, a conspiracy against the life of the king might be redeemed by a fine.<sup>56</sup>

The price of all kinds of wounds was likewise fixed by the Saxon laws: a wound of an inch long under the hair was paid with one shilling; one of a like size in the face, two shillings; thirty shillings for the loss of an ear; and so forth.<sup>57</sup> There seems not to have been any difference made, according to the dignity of the person. By the laws of Ethelbert, any one who committed adultery with his neighbor's wife was obliged to pay him a fine, and buy him another wife.<sup>58</sup>

These institutions are not peculiar to the ancient Germans. They seem to be the necessary progress of criminal jurisprudence among every free people, where the will of the sovereign is not implicitly obeyed. We find them among the ancient Greeks during the time of the Trojan war. Compositions for murder are mentioned in Nestor's speech to Achilles, in the ninth Iliad, and are called [Greek: apoinai]. The Irish, who never had any connections with the German nations, adopted the same practice till very lately; and the price of a man's head was called among them his "eric;" as we learn from Sir John Davis. The same custom seems also to have prevailed among the Jews.<sup>59</sup>

Theft and robbery were frequent among the Anglo-Saxons. In order to impose some check upon these crimes, it was ordained, that no man should sell or buy any thing above twenty pence value, except in open market;<sup>60</sup> and every bargain of sale must be executed before witnesses.<sup>61</sup>

Gangs of robbers much disturbed the peace of the country, and the law determined that a tribe of banditti, consisting of between seven and thirty-five persons, was to be called a "turma," or troop; any greater company was denominated an army.<sup>62</sup> The punishments for this crime were various, but none of them capital.<sup>63</sup> If any man could track his stolen cattle into another's ground, the latter was obliged to show the tracks out of it, or pay their value.<sup>64</sup>

Rebellion, to whatever excess it was carried, was not capital but might be redeemed by a sum of money.<sup>65</sup> The legislators, knowing it impossible to prevent all disorders, only imposed a higher fine on breaches of the peace committed in the king's court, or before an alderman or bishop. An ale-house, too, seems to have been considered as a privileged place; and any quarrels that arose there were more severely punished than else where.<sup>66</sup>

If the manner of punishing crimes among the Anglo-Saxons appear singular, the proofs were not less so; and were also the natural result of the situation of those people. Whatever we may imagine concerning the usual truth and sincerity of men who live in a rude and barbarous state, there is much more falsehood, and even perjury, among them, than among civilized nations: virtue, which is nothing but a more enlarged and more cultivated reason, never flourishes to any degree, nor is founded on steady principles of honor, except where a good education becomes general; and where men are taught the pernicious consequences of vice, treachery, and immorality. Even superstition, though more prevalent among ignorant nations, is but a poor supply for the defects in knowledge and education; our European ancestors, who employed every moment the expedient of swearing on extraordinary crosses and relics, were less honorable in all engagements than their posterity, who from experience have omitted those ineffectual securities. This general proneness to assumed perjury was much increased by the usual want of discernment in judges, who could not discuss an intricate evidence, and were obliged to number, not weigh, the

testimony of the witnesses,<sup>67</sup>..... Hence the ridiculous practice of obliging men to bring compurgators, who, as they did not pretend to know any thing of the fact, expressed upon oath, that they believed the person spoke true; and these compurgators were in some cases multiplied to the number of three hundred.<sup>68</sup>..... The practice also of single combat was employed by most nations on the continent as a remedy against false evidence;<sup>69</sup> and though it was frequently dropped, from the opposition of the clergy, it was continually revived, from experience of the falsehood attending the testimony of witnesses.<sup>70</sup>..... It became at last a species of jurisprudence: the cases were determined by law, in which the party might challenge his adversary or the witnesses, or the judge himself;<sup>71</sup>..... and though these customs were absurd, they were rather an improvement on the methods of trial which had formerly been practised among those barbarous nations, and which still prevailed among the Anglo-Saxons.

When any controversy about a fact became too intricate for those ignorant judges to unravel, they had recourse to what they called the judgment of God, that is, to fortune. Their methods of consulting this oracle were various. One of them was the decision by the cross: it was practised in this manner: When a person was accused of any crime, he first cleared himself by oath, and he was attended by eleven compurgators. He next took two pieces of wood, one of which was marked with the sign of the cross, and wrapping both up in wool, he placed them on the altar, or on some celebrated relic. After solemn prayers for the success of the experiment, a priest, or in his stead some unexperienced youth, took up one of the pieces of wood, and if he happened upon that which was marked with the figure of the cross, the person was pronounced innocent; if otherwise, guilty. <sup>72</sup>..... This practice, as it arose from superstition, was abolished by it in France.

The ordeal was another established method of trial among Saxons. It was practised either by boiling water or red-hot iron. The former was appropriated to the common people; the latter to the nobility. The water or iron was consecrated by many prayers, masses, fastings, and exorcisms,<sup>73</sup>..... after which, the person accused either took up a stone sunk in the water<sup>74</sup>..... to a certain depth, or carried the iron to a certain distance; and his hand being wrapped up, and the covering sealed for three days, if there

appeared, on examining it, no marks of burning, he was pronounced innocent; if otherwise, guilty.<sup>75</sup> The trial by cold water was different: the person was thrown into consecrated water; if he swam, he was guilty, if he sunk, innocent.<sup>76</sup> It is difficult for us to conceive how any innocent person could ever escape by the one trial, or any criminal be convicted by the other. But there was another usage admirably calculated for allowing every criminal to escape, who had confidence enough to try it. A consecrated cake, called a corsned, was produced, which if the person could swallow and digest, he was pronounced innocent.<sup>77</sup>

The feudal law, if it had place at all among the Anglo-Saxons, which is doubtful, was not certainly extended over all the landed property, and was not attended with those consequences of homage, reliefs,<sup>78</sup> wardship, marriage, and other burdens, which were inseparable from it in the kingdoms of the continent. As the Saxons expelled, or almost entirely destroyed, the ancient Britons, they planted themselves in this island on the same footing with their ancestors in Germany, and found no occasion for the feudal institutions,<sup>79</sup> which were calculated to maintain a kind of standing army, always in readiness to suppress any insurrection among the conquered people.

The trouble and expense of defending the state in England lay equally upon all the land; and it was usual for every five hides to equip a man for the service. The "trinoda necessitas," as it was called, or the burden of military expeditions, of repairing highways, and of building and supporting bridges, was inseparable from landed property, even though it belonged to the church or monasteries, unless exempted by a particular charter.<sup>80</sup> The ceorles, or husbandmen, were provided with arms, and were obliged to take their turn in military duty.<sup>81</sup> There were computed to be two hundred and forty-three thousand six hundred hides in England;<sup>82</sup> consequently the ordinary military force of the kingdom consisted of forty-eight thousand seven hundred and twenty men; though, no doubt, on extraordinary occasions, a greater number might be assembled. The king and nobility had some military tenants, who were called "sithcun-men."<sup>83</sup> And there were some lands annexed to the office of aldermen, and to other offices; but these probably were not of great extent, and were possessed

only during pleasure, as in the commencement of the feudal law in other countries of Europe.

The revenue of the king seems to have consisted chiefly in his demesnes, which were large; and in the tolls and imposts which he probably levied at discretion on the boroughs and seaports that lay within his demesnes. He could not alienate any part of the crown lands, even to religious uses, without the consent of the states.<sup>84</sup> Danegelt was a land-tax of a shilling a hide, imposed by the states,<sup>85</sup> either for payment of the sums exacted by the Danes, or for putting the kingdom in a posture of defence against those invaders.<sup>86</sup>

The Saxon pound, as likewise that which was coined for some centuries after the conquest, was near three times the weight of our present money. There were forty-eight shillings in the pound, and five pence in a shilling;<sup>87</sup> consequently a Saxon shilling was near a fifth heavier than ours, and a Saxon penny near three times as heavy.<sup>88</sup>

As to the value of money in those times, compared to commodities, there are some though not very certain, means of computation. A sheep, of the laws of Athelstan, was estimated at a shilling; that is, fifteen pence of our money. The fleece was two fifths of the value of the whole sheep,<sup>89</sup> much above its present estimation; and the reason probably was, that the Saxons, like the ancients, were little acquainted with any clothing but what was made of wool. Silk and cotton were quite unknown: linen was not much used. An ox was computed at six times the value of a sheep; a cow at four.<sup>90</sup> If we suppose that the cattle in that age, from the defects in husbandry, were not so large as they are at present in England, we may compute that money was then near ten times of greater value. A horse was valued at about thirty-six shillings of our money, or thirty Saxon shillings;<sup>91</sup> a mare a third less. A man at three pounds.<sup>92</sup> The board-wages of a child the first year was eight shillings, together with a cow's pasture in summer, and an ox's in winter.<sup>93</sup> William of Malmsbury mentions it as a remarkably high price that William Rufus gave fifteen marks for a horse, or about thirty pounds of our present money.<sup>94</sup> Between the years 900 and 1000, Ednoth bought a hide of land for about one hundred and eighteen shillings of present money.<sup>95</sup> This was little more than a shilling an acre, which indeed appears to have been the usual price, as we may learn from

other accounts.<sup>96</sup> A palfrey was sold for twelve shillings about the year 966.<sup>97</sup> The value of an ox in King Ethelred's time was between seven and eight shillings; a cow about six shillings.<sup>98</sup> Gervas of Tilbury says, that in Henry I's time, bread which would suffice a hundred men for a day was rated at three shillings, or a shilling of that age: for it is thought that soon after the conquest a pound sterling was divided into twenty shillings. A sheep was rated at a shilling, and so of other things in proportion. In Athelstan's time, a ram was valued at a shilling, or fourpence Saxon.<sup>99</sup> The tenants of Shireburn were obliged, at their choice, to pay either sixpence or four hens.<sup>100</sup>

About 1232, the abbot of St. Alban's, going on a journey, hired seven handsome, stout horses; and agreed, if any of them died on the road, to pay the owner thirty shillings apiece of our present money.<sup>101</sup> It is to be remarked, that in all ancient times the raising of corn, especially wheat, being a species of manufactory, that commodity always bore a higher price, compared to cattle, than it does in our times.<sup>102</sup> The Saxon Chronicle tells us,<sup>103</sup> that in the reign of Edward the Confessor there was the most terrible famine ever known; insomuch that a quarter of wheat rose to sixty pennies, or fifteen shillings of our present money. Consequently, it was as dear as if it now cost seven pounds ten shillings. This much exceeds the great famine in the end of Queen Elizabeth, when a quarter of wheat was sold for four pounds. Money in this last period was nearly of the same value as in our time. These severe famines are a certain proof of bad husbandry.

On the whole, there are three things to be considered, wherever a sum of money is mentioned in ancient times. First, the change of denomination, by which a pound has been reduced to the third part of its ancient weight in silver. Secondly, the change in value by the greater plenty of money, which has reduced the same weight of silver to ten times less value, compared to commodities; and consequently a pound sterling to the thirtieth part of the ancient value. Thirdly, the fewer people and less industry which were then to be found in every European kingdom. This circumstance made even the thirtieth part of the sum more difficult to levy, and caused any sum to have more than thirty times greater weight and influence, both abroad and at home, than in our times; in the same

manner that a sum, a hundred thousand pounds, for instance, is at present more difficult to levy in a small state, such as Bavaria, and can produce greater effects on such a small community than on England. This last difference is not easy to be calculated; but, allowing that England has now six times more industry, and three times more people than it had at the conquest, and for some reigns after that period, we are upon that supposition to conceive, taking all circumstances together, every sum of money mentioned by historians, as if it were multiplied more than a hundred fold above a sum of the same denomination at present.

In the Saxon times, land was divided equally among all the male children of the deceased, according to the custom of gavelkind. The practice of entails is to be found in those times.<sup>104</sup> Land was chiefly of two kinds, bockland, or land held by book or charter, which was regarded as full property, and descended to the heirs of the possessor; and folkland, or the land held by the ceorles and common people, who were removable at pleasure, and were, indeed, only tenants during the will of their lords.

The first attempt which we find in England to separate the ecclesiastical from the civil jurisdiction, was that law of Edgar by which all disputes among the clergy were ordered to be carried before the bishop.<sup>105</sup> The penances were then very severe; but as a man could buy them off with money, or might substitute others to perform them, they lay easy upon the rich.<sup>106</sup>

With regard to the manners of the Anglo-Saxons, we can say little, but that they were in general a rude, uncultivated people, ignorant of letters, unskilled in the mechanical arts, untamed to submission under law and government, addicted to intemperance, riot, and disorder. Their best quality was their military courage, which yet was not supported by discipline or conduct. Their want of fidelity to the prince, or to any trust reposed in them, appears strongly in the history of their later period; and their want of humanity in all their history. Even the Norman historians, notwithstanding the low state of the arts in their own country, speak of them as barbarians, when they mention the invasion made upon them by the duke of Normandy.<sup>107</sup> The conquest put the people in a situation of receiving slowly, from abroad, the rudiments of science and cultivation, and of correcting their rough and licentious manners.

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<sup>1</sup> ... We know of one change, not inconsiderable, in the Saxon constitution. The Saxon Annals (p. 49) inform us, that it was, in early times, the prerogative of the king to name the dukes, earls, aldermen, and sheriffs of the counties. Asser, a contemporary writer, informs us that Alfred deposed all the ignorant aldermen, and appointed men of more capacity in their place: yet the laws of Edward the Confessor (sect. 35) say expressly that the heretoghs, or dukes, and the sheriffs were chosen by the freeholders in the folk-mote, a county court, which was assembled once a year, and where all the freeholders swore allegiance to the king.]

<sup>2</sup> ... Sometimes abbesses were admitted; at least they often sign the king's charters or grants. Spelm. Gloss. in verbo Parliamentum.]

<sup>3</sup> ... Wilkins, passim.]

<sup>4</sup> ... It appears from the ancient translations of the Saxon annals and laws, and from King Alfred's translation of Bede, as well as from all the ancient historians, that comes in Latin, alderman in Saxon, and earl in Dano-Saxon, were quite synonymous. There is only a clause in a law of King Athetetan's, (see Spel. Concil. p. 406,) which has stumbled some antiquaries, and has made them imagine that an earl was superior to an alderman. The weregild, or the price of an earl's blood, is there fixed at fifteen thousand thrimsas, equal to that of an archbishop; whereas that of a bishop and alderman is only eight thousand thrimsas. To solve this difficulty, we must have recourse to Selden's conjecture, (see his Titles of Honor, chap. v. p. 603, 604,) that the term of earl was in the age of Athelstan just beginning to be in use in England, and stood at that time for the atheling or prince of the blood, heir to the crown. This he confirms by a law of Canute, sect. 55, where an atheling and an archbishop are put upon the same footing. In another law of the same Athelstan, the weregild of the prince or atheling, is said to be fifteen thousand thrimsas. See Wilkins, p. 71 He is therefore the same who is called earl in the former law.]

<sup>5</sup> ... Brady's Treatise of English Boroughs, p. 3, 4, 5, etc.]

<sup>6</sup> ... There is some reason to think that the bishops were sometimes chosen by the wittenagemot, and confirmed by the king. Eddius, cap. 2. The abbots in the monasteries of royal foundation were anciently named by the king; though Edgar gave the monks the election, and only reserved to himself the ratification. This destination was afterwards frequently violated, and the abbots as well as bishops were afterwards all appointed by the king, as we learn from Ingulf, a writer contemporary to the conquest.]

<sup>7</sup> ... Hist. Eliensis, lib. ii. cap 40]

<sup>8</sup> ... Hist. Rames. sect. iii. p. 387]

<sup>9</sup> Roger Hoveden, giving the reason why William the Conqueror made Cospatric earl of Northumberland, says, "Nam ex materno sanguine attinebat ad eum honor illius comitatus. Erat enim ex matre Algitha, filia Uthredi comitis." See also Sim. Dunelm. p. 205. We see in those instances the same tendency towards rendering offices hereditary which took place, during a more early period, on the continent; and which had already produced there its full effect.

<sup>10</sup> Brady's Treatise of Boroughs, p. 3, 4, 5, etc. The case was the same with the freemen in the country. See Pref. to his Hist. p. 8, 9, 10, etc.

<sup>11</sup> LL. Edw. Conf. Sect. viii. apud Ingulph.

<sup>12</sup> Dissert. Epist. p. 21.

<sup>13</sup> Nithard. Hist. lib. iv.

<sup>14</sup> Spel. Feus and Tenures, p. 40.]

<sup>15</sup> Wilkins, p. 71.]

<sup>16</sup> Selden, Titles of Honor, p, 515. Wilkins, p. 7.]

<sup>17</sup> Winchester, being the capital of the West Saxon monarchy, was anciently a considerable city. Gul. Pict. p. 210.]

<sup>18</sup> Norwich contained 738 houses; Exeter, 315; Ipswich, 538; Northampton, 60; Hertford, 146; Canterbury, 262; Bath, 61; Southampton 84; Warwick, 225. See Brady, of Boroughs, p. 3, 4, 5, 6, etc. These are the most considerable he mentions. The account of these is extracted from domesday-book.]

<sup>19</sup> Brady's Treatise of Boroughs, p. 10. There were six wards, besides the archbishop's palace; and five of these wards contained the number of families here mentioned, which at the rate of five persons to a family, makes about seven thousand souls. The sixth ward was laid waste.]

<sup>20</sup> Page 102. See also de Gest. Angl. p. 333.]

<sup>21</sup> LL. Inae sect. 70. These laws fixed the rents for a hide; but it is difficult to convert it into modern measures.]

<sup>22</sup> General Preface to his Hist. p. 7, 8, 9, etc.]]

<sup>23</sup> LL. Edg. sect. 14, apud Spel. Concil. vol. i. p. 471.]

<sup>24</sup> Spel. Gloss, in verbo Servus.]

<sup>25</sup> LL. Ælf. sect. 20]

<sup>26</sup> Tacit, de Mor. Germ]

.....<sup>27</sup> LL. Inse, sect. 11. LL. Ælf. sect. 12.]

.....<sup>28</sup> Higden, lib, i. cap. 50. LL. Edw. Conf. sect. 26. Spel. Concil vol. i. p. 415. Gloss, in verbo. Haligemot of Infangenthefe.]

.....<sup>29</sup> LL. Edg. sect. 5. Wilkins, p. 78. LL. Cantit. sect. 17. Wilkins. p. 136.]

.....<sup>30</sup> Hickes, Dissert, epist. p. 2, 3, 4, 5, 6, 7, 8.]

.....<sup>31</sup> LL. Edg. sect. 2. Wilkins, p. 77. LL. Canut. sect. 18, apud Wilkins, p. 136.]

.....<sup>32</sup> LL. Ethelst. sect, 20.]

.....<sup>33</sup> Hickes, Dissert, epist.]

.....<sup>34</sup> LL. Fris. tit. 2, apud Lindenbrog. p. 491.]

.....<sup>35</sup> LL. Æthelb, sect. 23. LL. Ælf. sect. 27]

.....<sup>36</sup> Called by the Saxons "maegbota."]

.....<sup>37</sup> Tacit, de Mor. Germ. The author says, that the price of the composition was fixed; which must have been by the laws, and the interposition of the magistrates.]

.....<sup>38</sup> Besides paying money to the relations of the deceased, and to the king, the murderer was also obliged to pay the master of a slave of vassal a sum, as a compensation for his loss. This was called the "manbote". See Spel. Gloss, in verb. Fredum, Manbot.]

.....<sup>39</sup> The addition of these last words in Italics appears necessary from what follows in the same law.]

.....<sup>40</sup> IL. Ælf. sect. 28. Wilkins, p. 43.]

.....<sup>41</sup> LL. Inae sect. 9]

.....<sup>42</sup> LL. Edm. sect, 1. Wilkins, p. 73.]

.....<sup>43</sup> LL. Edm. sect. 3.]

.....<sup>44</sup> LL. Edm. sect. 2.]

.....<sup>45</sup> LL. Edm. sect. 4.]

.....<sup>46</sup> Tit. 63.]

.....<sup>47</sup> Wilkins, p. 71, 72]

.....<sup>48</sup> LL. Elthredi, apud Wilkins, p. 110.]

.....<sup>49</sup> Tyrrel, Introduct. vol. i. p. 120. Carte vol i. p. 366.]

<sup>50</sup>..... Lindenbrogius, passim.]

<sup>51</sup>..... Tacit, de Mor. Germ.]

<sup>52</sup>..... LL. Ælf. sect. 12. Wilkins, p. 29. It is probable that by wilful murder Alfred means a treacherous murder, committed by one who has no declared feud with another.]

<sup>53</sup>..... LL. Ælf. sect. 4. Wilkins, p. 35.]

<sup>54</sup>..... LL. Ælf. sect. 40. See also LL. Ethelb. sect. 34, etc.]

<sup>55</sup>..... LL Ethelb. sect. 32.]

<sup>56</sup>..... Exod. cap. xxi. 29, 30.]

<sup>57</sup>..... LL. Æthelst. sect. 12.]

<sup>58</sup>..... LL. Æthelst. sect. 10, 12. LL.Edg. apud Wilkins, p. 80. LL Ethelredi, sect 4, apud Wilkins, p. 103. Hloth. et Eadm. sect 16. LL. Canute. sect. 22.]

<sup>59</sup>..... LL. Inæ, sect. 12.]

<sup>60</sup>..... LL. Inæ, sect. 37.]

<sup>61</sup>..... LL. Æthelst. sect. 2. Wilkins, p. 63.]

<sup>62</sup>..... LL. Ethelredi, apud Wilkins, p. 110. LL. Ælf. sect. 4. Wilkins, p35.]

<sup>63</sup>..... LL. Hloth. et Eadm. sect. 12, 13. LL. Ethelr. apud Wilkins, P 117.]

<sup>64</sup>..... Sometimes the laws fixed easy general rules for weighing the credibility of witnesses. A man whose life was estimated at a hundred and twenty shillings, counterbalanced six ceorles, each of whose lives was only valued at twenty shillings, and his oath was esteemed equivalent to that of all the six. See Wilkins, p. 72.]

<sup>65</sup>..... Præf. Nicol. ad Wilkins, p. 11.]

<sup>66</sup>..... LL. Burgund. cap. 45. LL. Lomb. lib. ii. tit. 55, cap. 34.]

<sup>67</sup>..... LL. Longob. lib. ii. tit. 55, cap. 23, apud Lindenbrog. p. 661]

<sup>68</sup>..... See Desfontaines and Beaumanoir.]

<sup>69</sup>..... LL. Frison, tit. 14, apud Lindenbrog. p. 496.

<sup>70</sup>..... Du Cange, in verbo Crux.]

<sup>71</sup>..... Spel in verbo Ordealium. Parker, p. 155. Lindenbrog. p, 1299]

<sup>72</sup>..... LL. Inæ, sect. 77.]

<sup>73</sup> ..... Sometimes the person accused walked barefoot over a red hot iron]

<sup>74</sup> ..... Spelm. in verb Ordealium.

<sup>75</sup> ..... Spelm. in verb. Corfnd. Parker, p. 156. Text. Ruffens. p. 33.]

<sup>76</sup> ..... On the death of an alderman, a greater or lesser thane, there was a payment made to the king of his best arms; and this was called his heriot; but this was not of the nature of a relief. See Spel. of Tenures, p. 2. The value of this heriot was fixed by Canute's laws, sect. 69.]

<sup>77</sup> ..... Bracton de Acqu. Rer. Domin. ii. cap. 16. See more fully Spel of Feus and Tenures, and Craigius de Jure Feud, lib. i. dieg.]

<sup>78</sup> ..... Spel. Concil. vol. i. p. 256.]

<sup>79</sup> ..... Inæ, sect. 51.]

<sup>80</sup> ..... Spel. of Feus and Tenures, p. 17.]

<sup>81</sup> ..... Spel. Concil. vol. i. p. 195.]

<sup>82</sup> ..... Ibid, p, 340.

<sup>83</sup> ..... Chron. Sax. p. 128.]

<sup>84</sup> ..... LL. Edw. Conf. sect. 12.]

<sup>85</sup> ..... LL. Ælf. sect. 40.]

<sup>86</sup> ..... Fleetwood's Chron. Pretiosum, p. 27 28, etc.]

<sup>87</sup> ..... LL. Inae, sect. 69.]

<sup>88</sup> ..... Wilkins, p. 66.

<sup>89</sup> ..... Wilkins, p. 126.

<sup>90</sup> ..... Wilkins, p. 126.

<sup>91</sup> ..... LL. InAe, sect. 38.]

<sup>92</sup> ..... Page 121.]

<sup>93</sup> ..... Hist. Rames. p. 415.]

<sup>94</sup> ..... Hist. Eliens. p. 473.]

<sup>95</sup> ..... Hist. Eliens. p. 471]

<sup>96</sup> ..... Wilkins, p. 126.]

<sup>97</sup> ..... Monast. Anglic. vol. ii. p. 528.]

<sup>98</sup>..... M. Paris].

<sup>99</sup>..... Fleetwood. p. 83, 94, 96. 98]

<sup>100</sup>..... Page 157.]

<sup>101</sup>..... LL. Ælf. sect. 37, apud Wilkins, p. 43.]

<sup>102</sup>..... Wilkins, p. 83.]

<sup>103</sup>..... Wilkins, p. 96, 97. Spel. Concil. p. 473.]

<sup>104</sup>..... Gul, Pict. p. 202.]

## CHAPTER 4.

### WILLIAM THE CONQUEROR.

*Nothing* could exceed the consternation which seized the English when <sup>1066</sup> they received intelligence of the unfortunate battle of Hastings, the death of their king, the slaughter of their principal nobility and of their bravest warriors, and the rout and dispersion of the remainder. But though the loss which they had sustained in that fatal action was considerable, it might have been repaired by a great nation; where the people were generally armed, and where there resided so many powerful noblemen in every province, who could have assembled their retainers, and have obliged the duke of Normandy to divide his army, and probably to waste it in a variety of actions and rencounters. It was thus that the kingdom had formerly resisted for many years its invaders, and had been gradually subdued by the continued efforts of the Romans, Saxons, and Danes; and equal difficulties might have been apprehended by William in this bold and hazardous enterprise. But there were several vices in the Anglo-Saxon constitution, which rendered it difficult for the English to defend their liberties in so critical an emergency. The people had in a great measure lost all national pride and spirit by their recent and long subjection to the Danes; and as Canute had, in the course of his administration, much abated the rigors of conquest, and had governed them equitably by their own laws, they regarded with the less terror the ignominy of a foreign yoke, and deemed the inconveniences of submission less formidable than those of bloodshed, war, and resistance. Their attachment also to the ancient royal family had been much weakened by their habits of submission to the Danish princes, and by their late election of Harold or their acquiescence in his usurpation. And as they had long been accustomed to regard Edgar Atheling, the only heir of the Saxon line, as unfit to govern them even in times of order and tranquillity, they could entertain small hopes of his being able to repair such great losses as they had sustained, or to withstand the victorious arms of the duke of Normandy.

That they might not, however, be altogether wanting to themselves in this extreme necessity, the English took some steps towards adjusting their disjointed government, and uniting themselves against the common enemy. The two potent earls, Edwin and Morcar, who had fled to London with the remains of the broken army, took the lead on this occasion: in concert with Stigand, archbishop of Canterbury, a man possessed of great authority and of ample revenues, they proclaimed Edgar, and endeavored to put the people in a posture of defence, and encourage them to resist the Normans.<sup>1</sup> But the terror of the late defeat, and the near neighborhood of the invaders, increased the confusion inseparable from great revolutions; and every resolution proposed was hasty, fluctuating, tumultuary; disconcerted by fear or faction; ill planned, and worse executed.

William, that his enemies might have no leisure to recover from their consternation or unite their counsels, immediately put himself in motion after his victory, and resolved to prosecute an enterprise which nothing but celerity and vigor could render finally successful. His first attempt was against Rornney, whose inhabitants he severely punished, on account of their cruel treatment of some Norman seamen and soldiers, who had been carried thither by stress of weather, or by a mistake in their course;<sup>2</sup> and foreseeing that his conquest of England might still be attended with many difficulties and with much opposition, he deemed it necessary, before he should advance farther into the country, to make himself master of Dover, which would both secure him a retreat in cast of adverse fortune, and afford him a safe landing-place for such supplies as might be requisite for pushing his advantages.

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<sup>1</sup> Gill. Pict. p. 205. Order. Vitaas, p. 502. Hoveden, p. 449 Knyngton, p. 2343.]

<sup>2</sup> Gul. Pict. p. 204]

The terror diffused by his victory at Hastings was so great that the garrison of Dover, though numerous and well provided, immediately capitulated; and as the Normans, rushing in to take possession of the town, hastily set fire to some of the houses, William, desirous to conciliate the minds of the



English by an appearance of lenity and justice, made compensation to the inhabitants for their losses.<sup>3</sup>

The Norman army, being much distressed with a dysentery, was obliged to remain here eight days; but the duke, on their recovery, advanced with quick marches towards London, and by his approach increased the confusions which were already so prevalent in the English counsels. The ecclesiastics in particular, whose influence was great over the people began to declare in his favor; and as most of the bishops and dignified clergymen were even then Frenchmen or Normans, the pope's bull, by which his enterprise was avowed and hallowed, was now openly insisted on as a reason for general submission. The superior learning of those prelates, which, during the Confessor's reign, had raised them above the ignorant Saxons, made their opinions be received with implicit faith; and a young prince; like Edgar, whose capacity was deemed so mean, was but ill qualified to resist the impression which they made on the minds of the people. A repulse which a body of Londoners received from five hundred Norman horse, renewed in the city the terror of the great defeat at Hastings; the easy submission of all the inhabitants of Kent was an additional discouragement to them; the burning of Southwark before their eyes made them dread a like fate to their own city; and no man any longer entertained thoughts but of immediate safety and of self-preservation. Even the Earls Edwin and Morcar, in despair of making effectual resistance, retired with their troops to their own provinces; and the people thenceforth disposed themselves unanimously to yield to the victor. As soon as he passed the Thames at Wallingford, and reached Berkhamstead, Stigand, the primate, made submissions to him: before he came within sight of the city, all the chief nobility, and Edgar Atheling himself, the new elected king, came into his camp, and declared their intention of yielding to his authority.<sup>4</sup> They requested him to mount their throne, which they now considered as vacant; and declare to him, that as they had always been ruled by regal power, they desired to follow, in this particular, the example of their ancestors, and knew of no one more worthy than himself to hold the reins of government.<sup>5</sup>

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<sup>3</sup> Gul. Pict. p. 204.]

<sup>4</sup> Hoveden, p. 450. Flor. Wigorn. p, 634]

<sup>5</sup> Gul. Pict. p. 205. Order. Vitalis, p. 503.]

Though this was the great object to which the duke's enterprise tended, he feigned to deliberate on the offer; and being desirous, at first, of preserving the appearance of a legal administration, he wished to obtain a more explicit and formal consent of the English nation;<sup>6</sup> but Aimar of Aquitain, a man equally respected for valor in the field and for prudence in council, remonstrating with him on the danger of delay in so critical a conjuncture, he laid aside all further scruples, and accepted of the crown which was tendered him. Orders were immediately issued to prepare every thing for the ceremony of his coronation; but as he was yet afraid to place entire confidence in the Londoners, who were numerous and warlike, he meanwhile commanded fortresses to be erected, in order to curb the inhabitants, and to secure his person and government.<sup>7</sup>

Stigand was not much in the duke's favor, both because he had intruded into the see on the expulsion of Robert the Norman, and because he possessed such influence and authority over the English<sup>8</sup> as might be dangerous to a new-established monarch. William, therefore, pretending that the primate had obtained his pall in an irregular manner from Pope Benedict IX., who was himself a usurper, refused to be consecrated by him, and conferred this honor on Aldred, arch bishop of York. Westminster Abbey was the place appointed for that magnificent ceremony; the most considerable of the nobility, both English and Norman, attended the duke on this occasion; Aldred, in a short speech, asked the former whether they agreed to accept of William as their king; the bishop of Coutance put the same question to the latter; and both being answered with acclamations,<sup>9</sup> Aldred administered to the duke the usual coronation oath, by which he bound himself to protect the church, to administer justice, and to repress violence; he then anointed him, and put the crown upon his head.<sup>10</sup> There appeared nothing but joy in the countenance of the spectators; but in that very moment there burst forth the strongest symptoms of the jealousy and animosity which prevailed between the nations, and which continually increased during the reign of this prince.

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<sup>6</sup> Gul. Pict. p. 205].

<sup>7</sup> Gul. Pict. p. 205.]

<sup>8</sup> Eadmer, p. 6.]

<sup>9</sup> Order. Vitalis, p. 503.]

<sup>10</sup> [...] promised to govern the Normans and English by equal laws; and this addition to the usual oath seems not improbable, considering the circumstances of the time!]

The Norman soldiers, who were placed without in order to guard the church, hearing the shouts within, fancied that the English were offering violence to their duke; and they immediately assaulted the populace, and set fire to the neighboring houses. The alarm was conveyed to the nobility who surrounded the prince; both English and Normans, full of apprehensions, rushed out to secure themselves from the present danger; and it was with difficulty that William himself was able to appease the tumult.<sup>11</sup>

The king, thus possessed of the throne by a pretended descination of King Edward, and by an irregular election of the people, but still more by force of arms, retired from London to Berking, in Essex, and there <sup>1067</sup> received the submissions of all the nobility who had not attended his coronation. Edric, surnamed the Forester, grand-nephew to that Edric so noted for his repeated acts of perfidy during the reigns of Ethelred and Edmond; Earl Coxo, a man famous for bravery; even Edwin and Morcar, earls of Mercia and Northumberland; with the other principal noblemen of England, came and swore fealty to him; were received into favor; and were confirmed in the possession of their estates and dignities.<sup>12</sup> Every thing bore the appearance of peace and tranquillity; and William had no other occupation than to give contentment to the foreigners who had assisted him to mount the throne, and to his new subjects, who had so readily submitted to him.

He had got possession of the treasure of Harold, which was considerable; and being also supplied with rich presents from the opulent men in all parts of England, who were solicitous to gain the favor of their new sovereign, he distributed great sums among his troops, and by this

liberality gave them hopes of obtaining at length those more durable establishments which they had expected from his enterprise.<sup>13</sup> The ecclesiastics, both at home and abroad, had much forwarded his success; and he failed not, in return, to express his gratitude and devotion in the manner which was most acceptable to them; he sent Harold's standard to the pope, accompanied with many valuable presents; all the considerable monasteries and churches in France, where prayers had been put up for his success, now tasted of his bounty;<sup>14</sup> the English monks found him well disposed to favor their order; and he built a new convent near Hastings, which he called Battle Abbey, and which on pretence of supporting monks to pray for his own soul, and for that of Harold, served as a lasting memorial of his victory.<sup>15</sup>

He introduced into England that strict execution of justice, for which his administration had been much celebrated in Normandy; and even during this violent revolution, every disorder or oppression met with rigorous punishment.<sup>16</sup>

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<sup>11</sup> Gul. Pict. p. 206. Order. Vitalis, p. 503.]

<sup>12</sup> Gul. Pict. p. 208. Order. Vitalis, p. 506.]

<sup>13</sup> Gul. Pict. p. 206.]

<sup>14</sup> Gul. Pict. p. 205.]

<sup>15</sup> West. p. 226. M. Paris, p. 9. Diceto, p. 482. This convent was freed by him from all episcopal jurisdiction. Monast. Anglic, tom. i. p. 311, 312.]

<sup>16</sup> Gul. Pict. p. 208. Order, Vitalis, p. 506.]

His army in particular was governed with severe discipline; and notwithstanding the insolence of victory, care was taken to give as little offence as possible to the jealousy of the vanquished. The king appeared solicitous to unite in an amicable manner the Normans and the English, by intermarriages and alliances; and all his new subjects who approached his person were received with affability and regard. No signs of suspicion appeared, not even towards Edgar Atheling, the heir of the ancient royal family, whom William confirmed in the honors of earl of Oxford, conferred

on him by Harold, and whom he affected to treat with the highest kindness, as nephew to the Confessor, his great friend and benefactor. Though he confiscated the estates of Harold, and of those who had fought in the battle of Hastings on the side of that prince, whom he represented as a usurper, he seemed willing to admit of every plausible excuse for past opposition to his pretensions, and he received many into favor who had carried arms against him, He confirmed the liberties and immunities of London and the other cities of England; and appeared desirous of replacing every thing on ancient establishments. In his whole administration, he bore the semblance of the lawful prince, not of the conqueror; and the English began to flatter themselves, that they had changed, not the form of their government, but the succession only of their sovereigns; a matter which gave them small concern. The better to reconcile his new subjects to his authority, William made a progress through some parts of England; and besides a splendid court and majestic presence, which overawed the people, already struck with his military fame, the appearance of his clemency and justice gained the approbation of the wise, attentive to the first steps of their new sovereign.

But amidst this confidence and friendship which he expressed for the English, the king took care to place all real power in the hands of his Normans, and still to keep possession of the sword, to which, he was sensible, he had owed his advancement to sovereign authority. He disarmed the city of London and other places, which appeared most warlike and populous; and building citadels in that capital, as well as in Winchester, Hereford, and the cities best situated for commanding the kingdom, he quartered Norman soldiers in all of them, and left nowhere any power able to resist or oppose him. He bestowed the forfeited estates on the most eminent of his captains, and established funds for the payment of his soldiers. And thus, while his civil administration carried the face of a legal magistrate, his military institutions were those of a master and tyrant; at least of one who reserved to himself, whenever he pleased, the power of assuming that character.

By this mixture, however, of vigor and lenity, he had so soothed the minds of the English, that he thought he might safely revisit his native country, and enjoy the triumph and congratulation of his ancient subjects.

He left the administration in the hands of his uterine brother, Odo, bishop of Baieux, and of William Fitz-Osberne. That their authority might be exposed to less danger, he carried over with him all the most considerable nobility of England, who, while they served to grace his court by their presence and magnificent retinues, were in reality hostages for the fidelity of the nation. Among these were Edgar Atheling, Stigand the primate, the earls Edwin and Morcar, Waltheof, the son of the brave Earl Siward, with others, eminent for the greatness of their fortunes and families, or for their ecclesiastical and civil dignities. He was visited at the abbey of Fescamp, where he resided during some time, by Rodulph, uncle to the king of France, and by many powerful princes and nobles, who, having contributed to his enterprise, were desirous of participating in the joy and advantages of its success. His English courtiers, willing to ingratiate themselves with their new sovereign, outvied each other in equipages and entertainments; and made a display of riches which struck the foreigners with astonishment. William of Poitiers, a Norman historian,<sup>17</sup> who was present, speaks with admiration of the beauty of their persons, the size and workmanship of their silver plate, the costliness of their embroideries, an art in which the English then excelled; and he expresses himself in such terms, as tend much to exalt our idea of the opulence and cultivation of the people.<sup>18</sup>

But though every thing bore the face of joy and festivity, and William himself treated his new courtiers with great appearance of kindness, it was impossible altogether to prevent the insolence of the Normans; and the English nobles derived little satisfaction from those entertainments, where they considered themselves as led in triumph by their ostentatious conqueror.

In England affairs took still a worse turn during the absence of the sovereign. Discontents and complaints multiplied every where; secret conspiracies were entered into against the government; hostilities were already begun in many places; and every thing seemed to menace a revolution as rapid as that which had placed William on the throne. The historian above mentioned, who is a panegyrist of his master, throws the blame entirely on the fickle and mutinous disposition of the English, and highly celebrates the justice and lenity of Odo's and Fitz-Osborne's

administration.<sup>19</sup> But other historians, with more probability, impute the cause chiefly to the Normans; who, despising a people that had so easily submitted to the yoke, envying their riches, and grudging the restraints imposed upon their own rapine, were desirous of provoking them to a rebellion, by which they expected to acquire new confiscations and forfeitures, and to gratify those unbounded hopes which they had formed in entering on this enterprise.<sup>20</sup>

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<sup>17</sup> ..... Page 211, 212.]

<sup>18</sup> ..... As the historian chiefly insists on the silver plate, his panegyric on the English magnificence shows only how incompetent a judge he was of the matter. Silver was then of ten times the value, and was more than twenty times more rare than at present; and consequently of all species of luxury, plate must have been the rarest.]

<sup>19</sup> ..... Page 212.]

<sup>20</sup> ..... Order. Vitalis, p. 507]

It is evident that the chief reason of this alteration in the sentiments of the English must be ascribed to the departure of William, who was alone able to curb the violence of his captains, and to overawe the mutinies of the people. Nothing indeed appears more strange than that this prince, in less than three months after the conquest of a great, warlike, and turbulent nation, should absent himself in order to revisit his own country, which remained in profound tranquillity, and was not menaced by any of its neighbors; and should so long leave his jealous subjects at the mercy of an insolent and licentious army. Were we not assured of the solidity of his genius, and the good sense displayed in all other circumstances of his conduct, we might ascribe this measure to a vain ostentation, which rendered him impatient to display his pomp and magnificence among his ancient subjects. It is therefore more natural to believe that, in so extraordinary a step, he was guided by a concealed policy; and that though he had thought proper at first to allure the people to submission by the semblance of a legal administration, he found that he could neither satisfy his rapacious captains, nor secure his unstable government, without farther exerting the rights of conquest, and seizing the possessions of the

English. In order to have a pretext for this violence, he endeavored without discovering his intentions, to provoke and allure them into insurrections, which he thought could never prove dangerous, while he detained all the principal nobility in Normandy, while a great and victorious army was quartered in England, and while he himself was so near to suppress any tumult or rebellion. But as no ancient writer has ascribed this tyrannical purpose to William, it scarcely seems allowable, from conjecture alone, to throw such an imputation upon him.

But whether we are to account for that measure from the king's vanity or from his policy, it was the immediate cause of all the calamities which the English endured during this and the subsequent reigns, and gave rise to those mutual jealousies and animosities between them and the Normans, which were never appeased till a long tract of time had gradually united the two nations, and made them one people. The inhabitants of Kent, who had first submitted to the conqueror, were the first that attempted to throw off the yoke; and in confederacy with Eustace, count of Boulogne, who had also been disgusted by the Normans, they made an attempt, though without success, on the garrison of Dover.<sup>21</sup> Edric the Forester, whose possessions lay on the banks of the Severn, being provoked at the depredations of some Norman captains in his neighborhood, formed an alliance with Blethyn and Rowallan, two Welsh princes; and endeavored, with their assistance, to repel force by force.<sup>22</sup>

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<sup>21</sup> Gul. Gemet. p. 239. Order. Vitalis, p. 508. Anglia Sacra, vol i. p, 245.]

<sup>22</sup> Hoveden, p 450. M. West, p 226. Sim. Dunelm. p. 197.]

But though these open hostilities were not very considerable, the disaffection was general among the English, who had become sensible, though too late, of their defenceless condition, and began already to experience those insults and injuries, which a nation must always expect that allows itself to be reduced to that abject situation. A secret conspiracy was entered into, to perpetrate in one day, a general massacre of the Normans, like that which had formerly been executed upon the Danes; and the quarrel was become so general and national, that the vassals of Earl



Coxo, having desired him to head them in an insurrection, and finding him resolute in maintaining his fidelity to William, put him to death as a traitor to his country.

The king, informed of these dangerous discontents, hastened over to England; and by his presence, and the vigorous measures which he pursued, disconcerted all the schemes of the conspirators. Such of them as had been more violent in their mutiny, betrayed their guilt by flying or concealing themselves; and the confiscation of their estates, while it increased the number of malecontents, both enabled William to gratify farther the rapacity of his Norman captains, and gave them the prospect of new forfeitures and attainders. The king began to regard all his English subjects as inveterate and irreclaimable enemies; and thenceforth either embraced, or was more fully confirmed in the resolution of seizing their possessions, and of reducing them to the most abject slavery. Though the natural violence and severity of his temper made him incapable of feeling any remorse in the execution of this tyrannical purpose, he had art enough to conceal his intention, and to preserve still some appearance of justice in his oppressions. He ordered all the English who had been arbitrarily expelled by the Normans during his absence, to be restored to their estates;<sup>23</sup> but at the same time he imposed a general tax on the people, that of danegelt, which had been abolished by the Confessor, and which had always been extremely odious to the nation.<sup>24</sup>

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<sup>23</sup> Chron. Sax. p. 173. This fact is a full proof that the Normans had committed great injustice, and were the real cause of the insurrections of the English.]

<sup>24</sup> Hoveden, p. 450. Sim. Dunelm. p. 197. Alured. Beverl. p. 127]

As the vigilance of William overawed the malecontents, their <sup>1068</sup> insurrections were more the result of an impatient humor in the people, than of any regular conspiracy which could give them a rational hope of success against the established power of the Normans. The inhabitants of Exeter, instigated by Githa, mother to King Harold, refused to admit a Norman garrison, and, betaking themselves to arms, were strengthened by the accession of the neighboring inhabitants of Devonshire and

Cornwall.<sup>25</sup> The king hastened with his forces to chastise the revolt; and on his approach, the wiser and more considerable citizens, sensible of the unequal contest, persuaded the people to submit, and to deliver hostages for their obedience. A sudden mutiny of the populace broke this agreement; and William, appearing before the walls, ordered the eyes of one of the hostages to be put out, as an earnest of that severity which the rebels must expect, if they persevered in their revolt.<sup>26</sup> The inhabitants were anew seized with terror, and surrendering at discretion, threw themselves at the king's feet, and supplicated his clemency and forgiveness. William was not destitute of generosity, when his temper was not hardened either by policy or passion: he was prevailed on to pardon the rebels, and he set guards on all the gates, in order to prevent the rapacity and insolence of his soldiery.<sup>27</sup>

Githa escaped with her treasures to Flanders. The malecontents of Cornwall imitated the example of Exeter, and met with like treatment; and the king having built a citadel in that city, which he put under the command of Baldwin, son of Earl Gilbert, returned to Winchester, and dispersed his army into their quarters. He was here joined by his wife, Matilda, who had not before visited England, and whom he now ordered to be crowned by Archbishop Aldred. Soon after she brought him an accession to his family, by the birth of a fourth son, whom he named Henry. His three elder sons, Robert, Richard, and William, still resided in Normandy.

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<sup>25</sup> Order. Vitalis, p. 510.]

<sup>26</sup> Order. Vitalis, p. 510]

<sup>27</sup> Order. Vitalis, p. 510.]

But though the king appeared thus fortunate both in public and domestic life, the discontents of his English subjects augmented daily; and the injuries committed and suffered on both sides rendered the quarrel between them and the Normans absolutely incurable. The insolence of victorious masters, dispersed throughout the kingdom, seemed intolerable to the natives; and wherever they found the Normans separate or

assembled in small bodies, they secretly set upon them, and gratified their vengeance by the slaughter of their enemies. But an insurrection in the north drew thither the general attention, and seemed to threaten more important consequences. Edwin and Morcar appeared at the head of this rebellion; and these potent noblemen, before they took arms, stipulated for foreign succors from their nephew Blethyn, prince of North Wales, from Malcolm, king of Scotland and from Sweyn, king of Denmark. Besides the general discontent which had seized the English, the two earls were incited to this revolt by private injuries. William, in order to insure them to his interests, had on his accession promised his daughter in marriage to Edwin; but either he had never seriously intended to perform this engagement, or, having changed his plan of administration in England from clemency to rigor, he thought it was to little purpose if he gained one family, while he enraged the whole nation. When Edwin, therefore, renewed his applications, he gave him an absolute denial;<sup>28</sup> and this disappointment, added to so many other reasons of disgust, induced that nobleman and his brother to concur with their incensed countrymen, and to make one general effort for the recovery of their ancient liberties. William knew the importance of celerity in quelling an insurrection supported by such powerful leaders, and so agreeable to the wishes of the people; and having his troops always in readiness, he advanced by great journeys to the north. On his march he gave orders to fortify the castle of Warwick, of which he left Henry de Beaumont governor, and that of Nottingham, which he committed to the custody of William Peverell, another Norman captain.<sup>29</sup> He reached York before the rebels were in any condition for resistance, or were joined by any of the foreign succors which they expected, except a small reënforcement from Wales;<sup>30</sup> and the two earls found no means of safety but having recourse to the clemency of the victor. Archil, a potent nobleman in those parts, imitated their example, and delivered his son as a hostage for his fidelity;<sup>31</sup> nor were the people, thus deserted by their leaders, able to make any farther resistance. But the treatment which William gave the chiefs was very different from that which fell to the share of their followers. He observed religiously the terms which he had granted to the former, and allowed them for the present to keep possession of their estates; but he extended the rigors of his

confiscations over the latter, and gave away their lands to his foreign adventurers.

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<sup>28</sup> Order. Vitalis, p. 511.]

<sup>29</sup> Order. Vitalis, p. 511.]

<sup>30</sup> Order. Vitalia, p. 511.]

<sup>31</sup> Order. Vitalis, p. 511.]

These, planted throughout the whole country, and in possession of the military power, left Edwin and Morcar, whom he pretended to spare, destitute of all support, and ready to fall whenever he should think proper to command their ruin. A peace which he made with Malcolm, who did him homage for Cumberland, seemed at the same time to deprive them of all prospect of foreign assistance.<sup>32</sup>

The English were now sensible that their final destruction was intended; and that instead of a sovereign, whom they had hoped to gain by their submission, they had tamely surrendered themselves, without resistance, to a tyrant and a conqueror. Though the early confiscation of Harold's followers might seem iniquitous, being inflicted on men who had never sworn fealty to the duke of Normandy, who were ignorant of his pretensions, and who only fought in defence of the government which they themselves had established in their own country, yet were these rigors, however contrary to the ancient Saxon laws, excused on account of the urgent necessities of the prince; and those who were not involved in the present ruin, hoped that they should thenceforth enjoy, without molestation, their possessions and their dignities. But the successive destruction of so many other families convinced them that the king intended to rely entirely on the support and affections of foreigners; and they foresaw new forfeitures, attainders, and acts of violence, as the necessary result of this destructive plan of administration. They observed that no Englishman possessed his confidence, or was intrusted with any command or authority; and that the strangers, whom a rigorous discipline could have but ill restrained, were encouraged in their insolence and tyranny against them. The easy submission of the kingdom on its first

invasion had exposed the natives to contempt; the subsequent proofs of their animosity and resentment had made them the object of hatred; and they were now deprived of every expedient by which they could hope to make themselves either regarded or beloved by their sovereign. Impressed with the sense of this dismal situation, many Englishmen fled into foreign countries, with an intention of passing their lives abroad free from oppression, or of returning, on a favorable opportunity, to assist their friends in the recovery of their native liberties.<sup>33</sup> Edgar

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<sup>32</sup> Order. Vitalis, p. 511.]

<sup>33</sup> Order. Vitalis, p. 508. M. West. p. 225. M. Paris, p. 4. Sim Dunehn. p. 197.]

Atheling himself, dreading the insidious caresses of William, was, persuaded by Cospatric, a powerful Northumbrian, to escape with him into Scotland; and he carried thither his two sisters, Margaret and Christina. They were well received by Malcolm, who soon after espoused Margaret, the elder sister; and partly with a view of strengthening his kingdom by the accession of so many strangers, partly in hopes of employing them against the growing power of William, he gave great countenance to all the English exiles. Many of them settled there, and laid the foundation of families which afterwards made a figure in that country.

While the English suffered under these oppressions, even the foreigners were not much at their ease; but finding themselves surrounded on all hands by engaged enemies, who took every advantage against them, and menaced them with still more bloody effects of the public resentment, they began to wish again for the tranquillity and security of their native country. Hugh de Grentmesnil and Humphry de Teliol, though intrusted with great commands, desired to be dismissed the service; and some others imitated their example; a desertion which was highly resented by the king, and which he punished by the confiscation of all their possessions in England.<sup>34</sup> But William's bounty to his followers could not fail of alluring many new adventurers into his service; and the rage of the vanquished English served only to excite the attention of the king and

those warlike chiefs, and keep them in readiness to suppress every commencement of domestic rebellion or foreign invasion.

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<sup>34</sup> Order. Vitalis, p. 512]

It was not long before they found occupation for their prowess and military conduct. Godwin, Edmond, and Magnus, three sons of Harold, had, immediately after the defeat at Hastings, sought a retreat in Ireland, where, having met with a kind reception from Dermot and other princes of that country, they projected an invasion on England, and they hoped that all the exiles from Denmark, Scotland, and Wales, assisted by forces from these several countries, would at once commence hostilities, and rouse the indignation of the English against their haughty conquerors. They landed in Devonshire; but found Brian, son of the count of Brittany, at the head of some foreign troops, ready to oppose them; and being defeated in several actions, they were obliged to retreat to their ships, and to return with great loss to Ireland.<sup>35</sup> The efforts of the Normans were now directed to the north, where affairs had fallen into the utmost confusion. The more impatient of the Northumbrians had attacked Robert de Comyn, who was appointed governor of Durham; and gaining the advantage over him from his negligence, they put him to death in that city, with seven hundred of his followers.<sup>36</sup> This success animated the inhabitants of York, who, rising in arms, slew Robert Fitz-Richard, their governor;<sup>37</sup> and besieged in the castle William Mallet, on whom the command now devolved. A little after, the Danish troops landed from three hundred vessels: Osberne, brother to King Sweyn, was intrusted with the command of these forces, and he was accompanied by Harold and Canute, two sons of that monarch. Edgar Atheling appeared from Scotland, and brought along with him Cospatric, Waltheof, Siward, Bearne, Merleswain, Adelin, and other leaders, who, partly from the hopes which they gave of Scottish succors, partly from their authority in those parts, easily persuaded the warlike and discontented Northumbrians to join the insurrection. Mallet, that he might better provide for the defence of the citadel of York, set fire to some houses which lay contiguous; but this expedient proved the immediate cause of his destruction. The flames, spreading into the neighboring streets,

reduced the whole city to ashes. The enraged inhabitants, aided by the Danes, took advantage of the confusion to attack the castle, which they carried by assault; and the garrison, to the number of three thousand men, was put to the sword without mercy.<sup>38</sup>

This success proved a signal to many other parts of England, and gave the people an opportunity of showing their malevolence to the Normans. Hereward, a nobleman in East Anglia, celebrated for valor, assembled his followers, and taking shelter in the Isle of Ely, made inroads on all the neighboring country.<sup>39</sup> The English in the counties of Somerset and Dorset rose in arms, and assaulted Montacute, the Norman governor; while the inhabitants of Cornwall and Devon invested Exeter, which from the memory of William's clemency still remained faithful to him.

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<sup>35</sup> Gul. Gemet. p. 290. Order. Vitalis, p. 513. Anglia Sacra, TO! I. p. 216.]

<sup>36</sup> Order. Vitalis, p. 512. Chron. de Mailr. p. 116. Hoveden, p. 450. M. Paris, p. 5. Sim. Dunelm. p. 198.]

<sup>37</sup> Order. Vitalis, p. 512.]

<sup>38</sup> Order. Vitalis, p. 513. Hoveden, p. 451.]

<sup>39</sup> Burgo, p. 47.]

Edric the Forester, calling in the assistance of the Welsh, laid siege to Shrewsbury, and made head against Earl Brient and Fitz-Osberne, who commanded in those quarters.<sup>40</sup> The English, everywhere repenting their former easy submission, seemed determined to make by concert one great effort for the recovery of their liberties, and for the expulsion of their oppressors.

William, undismayed amidst this scene of confusion, assembled his forces, and animating them with the prospect of new confiscations and forfeitures, he marched against the rebels in the north, whom he regarded as the most formidable, and whose defeat, he knew, would strike a terror into all the other malecontents. Joining policy to force, he tried, before his approach, to weaken the enemy, by detaching the Danes from them; and he engaged Osberne, by large presents, and by offering him the liberty of

plundering the sea-coast, to retire without committing farther hostilities into Denmark.<sup>41</sup> Cospatric also, in despair of success, made his peace with the king, and paying a sum of money as an atonement for his insurrection, was received into favor, and even invested with the earldom of Northumberland. Waltheof, who long defended York with great courage, was allured with this appearance of clemency; and as William knew how to esteem valor, even in an enemy, that nobleman had no reason to repent of this confidence.<sup>42</sup> Even Edric, compelled by necessity, submitted to the conqueror, and received forgiveness, which was soon after followed by some degree of trust and favor. Malcolm, coming too late to support his confederates, was constrained to retire; and all the English rebels in other parts, except Hereward, who still kept in his fastnesses, dispersed themselves, and left the Normans undisputed masters of the kingdom. Edgar Atheling, with his followers, sought again a retreat in Scotland from the pursuit of his enemies.

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<sup>40</sup> Order. Vitalis, p. 514.]

<sup>41</sup> Hoveden, p. 451. Chron. Abb. St. Petri de Burgo, p. 47. Sim Dunelm. p. 199.]

<sup>42</sup> W. Malms, p. 104. H. Hunting, p. 369.]

But the seeming clemency of William toward the English leaders, <sup>1070</sup>. proceeded only from artifice, or from his esteem of individuals: his heart, was hardened against all compassion towards the people, and he scrupled no measure, however violent or severe, which seemed requisite to support his plan of tyrannical administration. Sensible of the restless disposition of the Northumbrians, he determined to incapacitate them even after from giving him disturbance; and he issued orders for laying entirely waste that fertile country, which, for the extent of sixty miles, lies between the Humber and the Tees.<sup>43</sup> The houses were reduced to ashes by the merciless Normans; the cattle seized and driven away; the instruments of husbandry destroyed; and the inhabitants compelled either to seek for a subsistence in the southern parts of Scotland, or if they lingered in England, from a reluctance to abandon their ancient habitations, they



perished miserably in the woods from cold and hunger. The lives of a hundred thousand persons are computed to have been sacrificed to this stroke of barbarous policy,<sup>44</sup> which, by seeking a remedy for a temporary evil, thus inflicted a lasting wound on the power and populousness of the nation.

But William, finding himself entirely master of a people who had given him such sensible proofs of their impotent rage and animosity, now resolved to proceed to extremities against all the natives of England; and to reduce them to a condition in which they should no longer be formidable to his government. The insurrections and conspiracies in so many parts of the kingdom had involved the bulk of the landed proprietors, more or less, in the guilt of treason; and the king took advantage of executing against them, with the utmost rigor, the laws of forfeiture and attainder. Their lives were, indeed, commonly spared; but their estates were confiscated, and either annexed to the royal demesnes, or conferred with the most profuse bounty, on the Normans and other foreigners.<sup>45</sup> While the king's declared intention was to depress, or rather entirely extirpate, the English gentry,<sup>46</sup> it is easy to believe that scarcely the form of justice would be observed in those violent proceedings;<sup>47</sup> and that any suspicions served as the most undoubted proofs of guilt against a people thus devoted to destruction.

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<sup>43</sup> Chron. Sax. p. 174. Ingulph. p. 79. W. Malms, p. 103. Hoveden, p. 451. Chron. Abb. St. Petri de Burgo, p. 47. M. Paris, p. 5. Sim. Dunelm. p. 199. Brompton, p. 966. Knyghton, p. 2344. Anglia Sacra, vol. i. p. 702.]

<sup>44</sup> Order. Vitalis, p. 515.]

<sup>45</sup> W. Malms, p. 104.]

<sup>46</sup> There is a paper or record of the family of Slarneborne, which pretends that that family, which was Saxon, was restored upon proving their innocence, as well as other Saxon families which were in the same situation. Though this paper was able to impose on such great antiquaries as Spelman (see Gloss, in verbo Drenges) and Dugdale, (see Baron, vol. i. p. 118,) it is proved by Dr. Brady (see Answer to Petyt, p. 11, 12) to have been a forgery; and is allowed as such by Tyrrel, though a pertinacious defender of his party notions: (see his history, vol. ii. introd. p. 51, 73.) Ingulf (p. 70) tells us, that very early Hereward, though absent during the time of the conquest, was turned out of all his estate, and could not obtain redress,

William even plundered the monasteries. Flor. Wigorn. p. 636 Chron. Abb. St. Petri de Burgo, p. 48. M. Paris, p. 5. Sim. Dun p. 200. Diceto, p. 482. Brompton, p. 967. Knyghton, p. 2344. Alured. Beverl. p. 130. We are told by Ingulf, that Ivo de Taillebois plundered the monastery of Croylaud of a great part of its land, and no redress could be obtained.]

<sup>47</sup>..... H. Hunting, p. 370.]

It was crime sufficient in an Englishman to be opulent, or noble, or powerful; and the policy of the king, concurring with the rapacity of foreign adventurers, produced almost a total revolution in the landed property of the kingdom. Ancient and honorable families were reduced to beggary; the nobles themselves were every where treated with ignominy and contempt; they had the mortification of seeing their castles and manors possessed by Normans of the meanest birth and lowest stations;<sup>48</sup>..... and they found themselves carefully excluded from every road which led either to riches or preferment.<sup>49</sup>.....

As power naturally follows property, this revolution alone gave great security to the foreigners; but William, by the new institutions which he established, took also care to retain forever the military authority in those hands which had enabled him to subdue the kingdom. He introduced into England the feudal law, which he found established in France and Normandy, and which, during that age, was the foundation both of the stability and of the disorders in most of the monarchical governments of Europe. He divided all the lands of England, with very few exceptions, beside the royal demesnes, into baronies; and he conferred these, with the reservation of stated services and payments, on the most considerable of his adventurers. These great barons, who held immediately of the crown, shared out a great part of their lands to other foreigners, who were denominated knights or vassals, and who paid their lord the same duty and submission, in peace and war, which he himself owed, to his sovereign. The whole kingdom contained about seven hundred chief tenants, and sixty thousand two hundred and fifteen knights' fees;<sup>50</sup>..... and as none of the native English were admitted into the first rank, the few who retained their landed property were glad to be received into the second, and, under the protection of some powerful Norman, to load themselves and their posterity with this grievous burden, for estates which they had

received free from their ancestors.<sup>51</sup> The small mixture of English which entered into this civil or military fabric, (for it partook of both species,) was so restrained by subordination under the foreigners, that the Norman dominion seemed now to be fixed on the most durable basis, and to defy all the efforts of its enemies.

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<sup>48</sup> Order. Vitalis, p. 521. M. West, p. 229.]

<sup>49</sup> The obliging of all the inhabitants to put out their fires and lights at certain hours, upon the sounding of a bell, called the Courfeu, is represented by Polydore Virgil, lib. ix., as a mark of the servitude of the English. But this was a law of police, which William had previously established in Normandy. See Du Moulin, Hist de Normandie, p. 160. The same law had place in Scotland. LL. Burgor. cap. 86.]

<sup>50</sup> Order. Vitalis, p. 523. Secretum Abbatis, apud Selden. Title of Honor, p. 573. Spel. Gloss, in verbo Feodum. Sir Robert Cotton.]

<sup>51</sup> M. West. p. 225. M. Paris, p. 4. Bracton, lib. i. cap. 11, num. I, Flets, lib, cap. 8, n. 2]

The better to unite the parts of the government, and to bind them into one system, which might serve both for defence against foreigners and for the support of domestic tranquillity, William reduced the ecclesiastical revenues under the same feudal law; and though he had courted the church on his invasion and accession, he now subjected it to services which the clergy regarded as a grievous slavery, and as totally unbefitting their profession. The bishops and abbots were obliged, when required, to furnish to the king, during war, a number of knights or military tenants, proportioned to the extent of property possessed by each see or abbey; and they were liable, in case of failure, to the same penalties which were exacted from the laity.<sup>52</sup> The pope and the ecclesiastics exclaimed against this tyranny, as they called it; but the king's authority was so well established over the army, who held every thing from his bounty, that superstition itself, even in that age, when it was most prevalent, was constrained to bend under his superior influence.

But as the great body of the clergy were still natives, the king had much reason to dread the effects of their resentment; he therefore used the

precaution of expelling the English from all the considerable dignities, and of advancing foreigners in their place. The partiality of the Confessor towards the Normans had been so great, that, aided by their superior learning, it had promoted them to many of the sees in England; and even before the period of the conquest, scarcely more than six or seven of the prelates were natives of the country. But among these was Stigand, archbishop of Canterbury, a man who, by his address and vigor, by the greatness of his family and alliances, by the extent of his possessions, as well as by the dignity of his office, and his authority among the English, gave jealousy to the king.<sup>53</sup> Though William had, on his accession, affronted this prelate by employing the archbishop of York to officiate at his consecration, he was careful, on other occasions, to load him with honors and caresses, and to avoid giving him farther offence till the opportunity should offer of effecting his final destruction.<sup>54</sup>

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<sup>52</sup> M. Paris, p. 5. *Anglia Sacra*, vol. i. p. 248.]

<sup>53</sup> Parker, p. 161.]

<sup>54</sup> Parker, p. 164.]

The suppression of the late rebellions, and the total subjection of the English, made him hope that an attempt against Stigand, however violent, would be covered by his great successes and be overlooked amidst the other important revolutions, which affected so deeply the property and liberty of the kingdom. Yet, notwithstanding these great advantages, he did not think it safe to violate the reverence usually paid to the primate, but under cover of a new superstition, which he was the great instrument of introducing into England.

The doctrine which exalted the papacy above all human power, had gradually diffused itself from the city and court of Rome; and was, during that age, much more prevalent in the southern than in the northern kingdoms of Europe. Pope Alexander, who had assisted William in his conquests, naturally expected, that the French and Normans would import into England the same reverence for his sacred character with which they were impressed in their own country; and would break the spiritual as well

as civil independency of the Saxons who had hitherto conducted their ecclesiastical government, with an acknowledgment indeed of primacy in the see of Rome, but without much idea of its title to dominion or authority. As soon, therefore, as the Norman prince seemed fully established on the throne, the pope despatched Ermenfloy, bishop of Sion, as his legate into England; and this prelate was the first that had ever appeared with that character in any part of the British islands. The king, though he was probably led by principle to pay this submission to Rome, determined, as is usual, to employ the incident as a means of serving his political purposes, and of degrading those English prelates, who were become obnoxious to him. The legate submitted to become the instrument of his tyranny; and thought, that the more violent the exertion of power, the more certainly did it confirm the authority of that court from which he derived his commission. He summoned, therefore, a council of the prelates and abbots at Winchester; and being assisted by two cardinals, Peter and John, he cited before him Stigand, archbishop of Canterbury, to answer for his conduct. The primate was accused of three crimes; the holding of the see of Winchester together with that of Canterbury; the officiating in the pall of Robert, his predecessor; and the having received his own pall from Benedict IX., who was afterwards deposed for simony, and for intrusion into the papacy.<sup>55</sup>.....

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<sup>55</sup>..... Hoveden, p. 453. Diceto, p. 482. Knyghton, p. 2345. Anglia Sacra, vol. i. p. 5, 6. Ypod. Neust. p. 438.]

These crimes of Stigand were mere pretences; since the first had been a practice not unusual in England, and was never any where subjected to a higher penalty than a resignation of one of the sees; the second was a pure ceremonial; and as Benedict was the only pope who then officiated, and his acts were never repealed, all the prelates of the church, especially those who lay at a distance, were excusable for making their applications to him. Stigand's ruin, however, was resolved on, and was prosecuted with great severity. The legate degraded him from his dignity; the king confiscated his estate, and cast him into prison, where he continued in poverty and want during the remainder of his life. Like rigor was exercised against the

other English prelates: Agelric, bishop of Selesey, and Agelmare, of Elmham, were deposed by the legate, and imprisoned by the king. Many considerable abbots shared the same fate: Egelwin, bishop of Durham, fled the kingdom Wulstan, of Worcester, a man of an inoffensive character was the only English prelate that escaped this general proscription,<sup>56</sup> and remained in possession of his dignity. Aldred, archbishop of York, who had set the crown on William's head, had died a little before of grief and vexation, and had left his malediction to that prince, on account of the breach of his coronation oath, and of the extreme tyranny with which he saw he was determined to treat his English subjects.<sup>57</sup>

It was a fixed maxim in this reign, as well as in some of the subsequent, that no native of the island should ever be advanced to any dignity, ecclesiastical, civil, or military<sup>58</sup>

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<sup>56</sup> Brompton relates, that Wulstan was also deprived by the synod; out refusing to deliver his pastoral staff and ring to any but the person from whom he first received it, he went immediately to King Edward's tomb, and struck the staff so deeply into the stone, that none but himself was able to pull it out; upon which he was allowed to keep his bishopric. This instance may serve, instead of many, as a specimen of the monkish miracles. See also the Annals of Burton, p. 284.]

<sup>57</sup> W. Malmes de Gest. Pont. p. 154.]

<sup>58</sup> Ingulph. p. 70, 71.]

The king, therefore, upon Stigand's deposition, promoted Lanfranc, a Milanese monk, celebrated for his learning and piety, to the vacant see. This prelate was rigid in defending the prerogatives of his station; and after a long process before the pope, he obliged Thomas, a Norman monk, who had been appointed to the see of York, to acknowledge the primacy of the archbishop of Canterbury. Where ambition can be so happy as to cover its enterprises, even to the person himself, under the appearance of principle, it is the most incurable and inflexible of all human passions. Hence Lanfranc's zeal in promoting the interests of the papacy, by which he himself augmented his own authority, was indefatigable, and met with proportionable success. The devoted attachment to Rome continually

increased in England and being favored by the sentiments of the conquerors, as well as by the monastic establishments formerly introduced by Edred and by Edgar, it soon reached the same height at which it had, during some time, stood in France and Italy.<sup>59</sup> It afterwards went much farther; being favored by that very remote situation which had at first obstructed its progress; and being less checked by knowledge and a liberal education, which were still somewhat more common in the southern countries.

The prevalence of this superstitious spirit became dangerous to some of William's successors, and incommodious to most of them; but the arbitrary sway of this king over the English, and his extensive authority over the foreigners, kept him from feeling any immediate inconveniences from it. He retained the church in great subjection, as well as his lay subjects; and would allow none, of whatever character, to dispute his sovereign will and pleasure. He prohibited his subjects from acknowledging any one for pope whom he himself had not previously received; he required that all the ecclesiastical canons, voted in any synod, should first be laid before him, and be ratified by his authority; even bulls or letters from Rome could not legally be produced, till they received the same sanction; and none of his ministers or barons, whatever offences they were guilty of, could be subjected to spiritual censures, till he himself had given his consent to their excommunication.<sup>60</sup> These regulations were worthy of a sovereign, and kept united the civil and ecclesiastical powers, which the principles, introduced by this prince himself, had an immediate tendency to separate.

But the English had the cruel mortification to find that their king's authority, however acquired or however extended, was all employed in their oppression; and that the scheme of their subjection, attended with every circumstance of insult and indignity,<sup>61</sup> was deliberately formed by the prince, and wantonly prosecuted by his followers.<sup>62</sup>

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<sup>59</sup> M. West, p. 228. Lanfranc wrote in defence of the real presence against Berengarius; and in those ages of stupidity and ignorance, he was greatly applauded for that performance.]

<sup>60</sup> Eadmer, p. 6]

<sup>61</sup> Order Vitalis, p. 523. H. Hunting, p. 370.]

<sup>62</sup> Ingulph. p. 71]

William had even entertained the difficult project of totally abolishing the English language; and for that purpose he ordered, that in all schools throughout the kingdom, the youth should be instructed in the French tongue; a practice which was continued from custom till after the reign of Edward III., and was never indeed totally discontinued in England. The pleadings in the supreme courts of judicature were in French;<sup>63</sup> the deeds were often drawn in the same language: the laws were composed in that idiom:<sup>64</sup> no other tongue was used at court: it became the language of all fashionable company; and the English themselves, ashamed of their own country, affected to excel in that foreign dialect. From this attention of William, and from the extensive foreign dominions, long annexed to the crown of England, proceeded that mixture of French which is at present to be found in the English tongue, and which composes the greatest and best part of our language. But amidst those endeavors to depress the English nation, the king, moved by the remonstrances of some of his prelates, and by the earnest desires of the people, restored a few of the laws of King Edward;<sup>65</sup> which, though seemingly of no great importance towards the protection of general liberty, gave them extreme satisfaction, as a memorial of their ancient government, and an unusual mark of complaisance in their imperious conquerors.<sup>66</sup>

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<sup>63</sup> 36 Ed. III. cap. 15. Selden. Spicileg. ad Eadm. p. 189. Fortesque de Laud. Leg. Angl. cap. 48.]

<sup>64</sup> Chron. Rothom. A.D. 1066.]

<sup>65</sup> Ingulph. p. 88. Brompton, p. 982. Knyghton, p. 2355 Hoveden, p. 600.]

<sup>66</sup> What these laws were of Edward the Confessor, which the English, every reign during a century and a half, desire so passionately to have restored, is much disputed by antiquaries, and our ignorance of them seems one of the greatest defects in the ancient English history. The collection of laws in Wilkins, which pass under the name of Edward, are plainly a posterior and an ignorant compilation. Those to be found in Ingulf are genuine; but so imperfect, and contain so few clauses favorable to the subject, that we see



no great reason for their contending for them so vehemently. It is probable that the English meant the common law, as it prevailed during the reign of Edward; which we may conjecture to have been more indulgent to liberty than the Norman institutions. The most material articles of it were afterwards comprehended in Magna Charta.]

The situation of the two great earls, Morcar and Edwin, became <sup>1071</sup>. now very disagreeable. Though they had retained their allegiance during this general insurrection of their countrymen, they had not gained the king's confidence, and they found themselves exposed to the malignity of the courtiers, who envied them on account of their opulence and greatness, and at the same time involved them in that general contempt which they entertained for the English. Sensible that they had entirely lost their dignity, and could not even hope to remain long in safety, they determined, though too late, to share the same fate with their countrymen. While Edwin retired to his estate in the north, with a view of commencing an insurrection, Morcar took shelter in the Isle of Ely, with the brave Hereward, who, secured by the inaccessible situation of the place, still defended himself against the Normans. But this attempt served only to accelerate the ruin of the few English who had hitherto been able to preserve their rank or fortune during the past convulsions. William employed all his endeavors to subdue the Isle of Ely; and having surrounded it with flat-bottomed boats, and made a causeway through the morasses to the extent of two miles, he obliged the rebels to surrender at discretion. Hereward alone forced his way, sword in hand, through the enemy; and still continued his hostilities by sea against the Normans, till at last William, charmed with his bravery, received him into favor, and restored him to his estate. Earl Morcar, and Egelwin, bishop of Durham, who had joined the malecontents, were thrown into prison, and the latter soon after died in confinement. Edwin, attempting to make his escape into Scotland, was betrayed by some of his followers, and was killed by a party of Normans, to the great affliction of the English, and even to that of William, who paid a tribute of generous tears to the memory of this gallant and beautiful youth. The king of Scotland, in hopes of profiting by these convulsions, had fallen upon the northern counties; but on the approach of William, he retired; and when the king entered his country, he was glad to

make peace, and to pay the usual homage to the English crown. To complete the king's prosperity, Edgar Atheling himself, despairing of success, and weary of a fugitive life, submitted to his enemy; and receiving a decent pension for his subsistence, was permitted to live in England unmolested. But these acts of generosity towards the leaders were disgraced, as usual, by William's rigor against the inferior malecontents. He ordered the hands to be lopped off, and the eyes to be put out, of many of the prisoners whom he had taken in the Isle of Ely; and he dispersed them in that miserable condition throughout the country, as monuments of his severity.

The province of Maine, in France, had, by the will of Herbert, the last <sup>1073</sup> count, fallen under the dominion of William some years before his conquest of England; but the inhabitants, dissatisfied with the Norman government, and instigated by Fulk, count of Anjou, who had some pretensions to the succession, now rose in rebellion, and expelled the magistrates whom the king had placed over them. The full settlement of England afforded him leisure to punish this insult on his authority; but being unwilling to remove his Norman forces from this island, he carried over a considerable army, composed almost entirely of English, and joining them to some troops levied in Normandy, he entered the revolted province. The English appeared ambitious of distinguishing themselves on this occasion, and of retrieving that character of valor which had long been national among them, but which their late easy subjection under the Normans had somewhat degraded and obscured. Perhaps, too, they hoped that, by their zeal and activity, they might recover the confidence of their sovereign, as their ancestors had formerly, by like means, gained the affections of Canute; and might conquer his inveterate prejudices in favor of his own countrymen. The king's military conduct, seconded by these brave troops, soon overcame all opposition in Maine: the inhabitants were obliged to submit, and the count of Anjou relinquished his pretensions.

But during these transactions, the government of England was greatly <sup>1074</sup> disturbed; and that, too, by those very foreigners who owed every thing to the king's bounty, and who were the sole object of his friendship and regard. The Norman barons, who had engaged with their duke in the conquest of England, were men of the most independent spirit; and

though they obeyed their leader in the field, they would have regarded with disdain the richest acquisitions, had they been required, in return, to submit, in their civil government, to the arbitrary will of one man. But the imperious character of William, encouraged by his absolute dominion over the English, and often impelled by the necessity of his affairs, had prompted him to stretch his authority over the Normans themselves beyond what the free genius of that victorious people could easily bear. The discontents were become general among those haughty nobles; and even Roger, earl of Hereford, son and heir of Fitz-Osborne, the king's chief favorite, was strongly infected with them. This nobleman, intending to marry his sister to Ralph de Guader, earl of Norfolk, had thought, it his duty to inform the king of his purpose, and to desire the royal consent; but meeting with a refusal, he proceeded nevertheless to complete the nuptials, and assembled all his friends, and those of Guader, to attend the solemnity. The two earls, disgusted by the denial of their request, and dreading William's resentment for their disobedience, here prepared measures for a revolt; and during the gayety of the festival, while the company was heated with wine, they opened the design to their guests. They inveighed against the arbitrary conduct of the king; his tyranny over the English, whom they affected on this occasion to commiserate; his imperious behavior to his barons of the noblest birth; and his apparent intention of reducing the victors and the vanquished to a like ignominious servitude. Amidst their complaints, the indignity of submitting to a bastard<sup>67</sup> was not forgotten; the certain prospect of success in a revolt, by the assistance of the Danes and the discontented English, was insisted on; and the whole company, inflamed with the same sentiments, and warmed by the jollity of the entertainment, entered, by a solemn engagement, into the design of shaking off the royal authority. Even Earl Waltheof, who was present, inconsiderately expressed his approbation of the conspiracy, and promised his concurrence towards its success.

This nobleman, the last of the English who for some generations possessed any power or authority, had, after his capitulation at York, been received into favor by the conqueror; had even married Judith, niece to that prince; and had been promoted to the earldoms of Huntingdon and Northampton.<sup>68</sup> Cospatic, earl of Northumberland, having, on some new disgust from William, retired into Scotland, where he received the earldom

of Dunbar from the bounty of Malcolm, Waltheof was appointed his successor in that important command, and seemed still to possess the confidence and friendship of his sovereign.<sup>69</sup>

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<sup>67</sup> William was so little ashamed of his birth, that he assumed the appellation of Bastard in some of his letters and charters. Spel Gloss. in verbo Bastardus. Camden in Richmondshire.]

<sup>68</sup> Order. Vitalis, p. 522 Hoveden, p. 454.]

<sup>69</sup> Sim, Dunelm. p. 205.]

But as he was a man of generous principles, and loved his country, it is probable that the tyranny exercised over the English lay heavy upon his mind, and destroyed all the satisfaction which he could reap from his own grandeur and advancement. When a prospect, therefore, was opened of retrieving their liberty, he hastily embraced it; while the fumes of the liquor and the ardor of the company prevented him from reflecting on the consequences of that rash attempt. But after his cool judgment returned, he foresaw that the conspiracy of those discontented barons was not likely to prove successful against the established power of William; or, if it did, that the slavery of the English, instead of being alleviated by that event, would become more grievous under a multitude of foreign leaders, factious and ambitious, whose union and whose discord would be equally oppressive to the people. Tormented with these reflections, he opened his mind to his wife Judith, of whose fidelity he entertained no suspicion, but who, having secretly fixed her affections on another, took this opportunity of ruining her easy and credulous husband. She conveyed intelligence of the conspiracy to the king, and aggravated every circumstance which she believed would tend to incense him against Waltheof, and render him absolutely implacable.<sup>70</sup> Meanwhile the earl, still dubious with regard to the part which he should act, discovered the secret in confession to Lanfranc, on whose probity and judgment he had a great reliance: he was persuaded by the prelate, that he owed no fidelity to those rebellious barons, who had by surprise gained his consent to a crime; that his first duty was to his sovereign and benefactor, his next to himself and his

family; and that if he seized not the opportunity of making atonement for his guilt by revealing it, the temerity of the conspirators was so great, that they would give some other person the means of acquiring the merit of the discovery. Waltheof, convinced by these arguments, went over to Normandy; but though he was well received by the king, and thanked for his fidelity, the account previously transmitted by Judith had sunk deep into William's mind, and had destroyed all the merit of her husband's repentance.

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<sup>70</sup> Order. Vitalis, p. 536.]

The conspirators, hearing of Waltheof's departure, immediately concluded their design to be betrayed; and they flew to arms before their schemes were ripe for execution, and before the arrival of the Danes, in whose aid they placed their chief confidence. The Earl of Hereford was checked by Walter de Lacy, a great baron in those parts, who, supported by the bishop of Worcester and the abbot of Evesham, raised some forces, and prevented the earl from passing the Severn, or advancing into the heart of the kingdom. The earl of Norfolk was defeated at Fagadun, near Cambridge, by Odo the regent, assisted by Richard de Bienfaite and William de Warrenne, the two justiciaries. The prisoners taken in this action had their right foot cut off, as a punishment of their treason the earl himself escaped to Norwich, thence to Denmark where the Danish fleet, which had made an unsuccessful attempt upon the coast of England,<sup>71</sup> soon after arrived, and brought him intelligence, that all his confederates were suppressed, and were either killed, banished, or taken prisoners.<sup>72</sup> Ralph retired in despair to Brittany, where he possessed a large estate and extensive jurisdictions.

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<sup>71</sup> Chron. Sax. p. 183. M. Paris, p. 7.]

<sup>72</sup> Many of the fugitive Normans are supposed to have fled into Scotland, where they were protected, as well as the fugitive English, by Malcolm; whence come the many French and Norman families which are found at present in that country.]

The king, who hastened over to England in order to suppress the insurrection, found that nothing remained but the punishment of the criminals, which he executed with great severity. Many of the rebels were hanged; some had their eyes put out; others their hands cut off. But William, agreeably to his usual maxims, showed more lenity to their leader, the earl of Hereford, who was only condemned to a forfeiture of his estate, and to imprisonment during pleasure. The king seemed even disposed to remit this last part of the punishment; had not Roger, by a fresh insolence, provoked him to render his confinement perpetual.

But Waltheof, being an Englishman, was not treated with so much <sup>1075.</sup> humanity; though his guilt, always much inferior to that of the other conspirators, was atoned for by an early repentance and return to his duty. William, instigated by his niece, as well as by his rapacious courtiers, who longed for so rich a forfeiture, ordered him to be tried, condemned, and executed. The English, who considered this nobleman as the last resource of their nation, grievously lamented his fate, and fancied that miracles were wrought by his relics, as a testimony of his innocence and sanctity. The infamous Judith, falling soon after under the king's displeasure, was abandoned by all the world, and passed the rest of her life in contempt, remorse, and misery.

Nothing remained to complete William's satisfaction but the punishment of Ralph de Guader; and he hastened over to Normandy, in order to gratify his vengeance on that criminal. But though the contest seemed very unequal between a private nobleman and the king of England, Ralph was so well supported both by the earl of Brittany and the king of France that William, after besieging him for some time in Dol, was obliged to abandon the enterprise, and make with those powerful princes a peace, in which Ralph himself was included. England, during his absence, remained in tranquillity; and nothing remarkable occurred, except two ecclesiastical synods, which were summoned, one at London, another at Winchester. In the former, the precedence among the episcopases was settled, and the seat of some of them was removed from small villages to the most considerable town within the diocese. In the second was transacted a business of more importance.

The industry and perseverance are surprising, with which the popes had been treasuring up powers and pretensions during so many ages of ignorance; while each pontiff employed every fraud for advancing purposes of imaginary piety, and cherished all claims which might turn to the advantage of his successors, though he himself could not expect ever to reap any benefit from them. All this immense storm of spiritual and civil authority was now devolved on Gregory VII., of the name of Hildebrand, the most enterprising pontiff that had ever filled that chair, and the least restrained by fear, decency, or moderation. Not content with shaking off the yoke of the emperors, who had hitherto exercised the power of appointing the pope on every vacancy, at least of ratifying his election, he undertook the arduous task of entirely disjoining the ecclesiastical from the civil power, and of excluding profane laymen from the right which they had assumed, of filling the vacancies of bishoprics, abbeys, and other spiritual dignities.<sup>73</sup> The sovereigns, who had long exercised this power, and who had acquired it, not by encroachments on the church, but on the people, to whom it originally belonged,<sup>74</sup> made great opposition to this claim of the court of Rome; and Henry IV., the reigning emperor, defended this prerogative of his crown with a vigor and resolution suitable to its importance.

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<sup>73</sup> L'Abbé Conc. tom. x. p. 371, 372, com, 2.]

<sup>74</sup> Padre Paolo sopra Benef. Eccles. p. 30]

The few offices, either civil or military, which the feudal institutions left the sovereign the power of bestowing, made the prerogative of conferring the pastoral ring and staff the most valuable jewel of the royal diadem: especially as the general ignorance of the age bestowed a consequence on the ecclesiastical offices, even beyond the great extent of power and property which belonged to them. Superstition, the child of ignorance, invested the clergy with an authority almost sacred; and as they engrossed the little learning of the age, their interposition became requisite in all civil business, and a real usefulness in common life was thus superadded to the spiritual sanctity of their character.

When the usurpations, therefore, of the church had come to such maturity as to embolden her to attempt extorting the right of investitures from the temporal power, Europe, especially Italy and Germany, was thrown into the most violent convulsions, and the pope and the emperor waged implacable war on each other. Gregory dared to fulminate the sentence of excommunication against Henry and his adherents, to pronounce him rightfully deposed, to free his subjects from their oath of allegiance; and, instead of shocking mankind by this gross encroachment on the civil authority, he found the stupid people ready to second his most exorbitant pretensions. Every minister, servant, or vassal of the emperor, who received any disgust, covered his rebellion under the pretence of principle; and even the mother of this monarch, forgetting all the ties of nature, was seduced to countenance the insolence of his enemies. Princes themselves, not attentive to the pernicious consequences of those papal claims, employed them for their present purposes; and the controversy, spreading into every city of Italy, engendered the parties of Guelf and Ghibbelin; the most durable and most inveterate factions that ever arose from the mixture of ambition and religious zeal. Besides numberless assassinations, tumults, and convulsions, to which they gave rise, it is computed that the quarrel occasioned no less than sixty battles in the reign of Henry IV., and eighteen in that of his successor, Henry V., when the claims of the sovereign pontiff finally prevailed.<sup>75</sup>

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<sup>75</sup> Padre Paolo sopra Eccles. Benef. p. 113.]

But the bold spirit of Gregory, not dismayed with the vigorous opposition which he met with from the emperor, extended his usurpations all over Europe; and well knowing the nature of mankind, whose blind astonishment ever inclines them to yield to the most impudent pretensions, he seemed determined to set no bounds to the spiritual, or rather temporal monarchy which he had undertaken to erect. He pronounced the sentence of excommunication against Nicephorus, emperor of the east; Robert Guiscard, the adventurous Norman who had acquired the dominion of Naples, was attacked by the same dangerous weapon: he degraded Boleslas, king of Poland from the rank of king; and



even deprived Poland of the title of a kingdom: he attempted to treat Philip, king of France, with the same rigor which he had employed against the emperor;<sup>76</sup>..... he pretended to the entire property and dominion of Spain; and he parcelled it out amongst adventurers, who undertook to conquer it from the Saracens, and to hold it in vassalage under the see of Rome:<sup>77</sup>..... even the Christian bishops, on whose aid he relied for subduing the temporal princes, saw that he was determined to reduce them to servitude, and, by assuming the whole legislative and judicial power of the church to centre all authority in the sovereign pontiff.<sup>78</sup>.....

William the Conqueror, the most potent, the most haughty, and the most vigorous prince in Europe, was not, amidst all his splendid successes, secure from the attacks of this enterprising pontiff. Gregory wrote him a letter, requiring him to fulfil his promise in doing homage for the kingdom of England to the see of Rome, and to send him over that tribute which all his predecessors had been accustomed to pay to the vicar of Christ. By the tribute, he meant Peter's pence; which, though at first a charitable donation of the Saxon princes, was interpreted, according to the usual practice of the Romish court, to be a badge of subjection acknowledged by the kingdom. William replied, that the money should be remitted as usual; but that neither had he promised to do homage to Rome, nor was it in the least his purpose to impose that servitude on his state.<sup>79</sup>..... And the better to show Gregory his independence, he ventured, notwithstanding the frequent complaints of the pope, to refuse to the English bishops the liberty of attending a general council, which that pontiff had summoned against his enemies.

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<sup>76</sup>..... Epist. Greg. VII. epist. 32, 35; lib. ii. epist. 5.]

<sup>77</sup>..... Epist. Greg. VII. lib. i. epist. 7.]

<sup>78</sup>..... Epist. Greg. VII. lib. ii. epist. 55.]

<sup>79</sup>..... Seldini Spicileg. ad Eadm. p. 4.]

But though the king displayed this vigor in supporting the royal dignity, he was infected with the general superstition of the age; and he did not perceive the ambitious scope of those institutions, which under color of

strictness in religion, were introduced or promoted by the court of Rome. Gregory, while he was throwing all Europe into combustion by his violence and impostures, affected an anxious care for the purity of manners; and even the chaste pleasures of the marriage bed were inconsistent, in his opinion, with the sanctity of the sacerdotal character. He had issued a decree prohibiting the marriage of priests, excommunicating all clergymen who retained their wives, declaring such unlawful commerce to be fornication, and rendering it criminal in the laity to attend divine worship, when such profane priests officiated at the altar.<sup>80</sup>

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<sup>80</sup> Hoveden, p. 455, 457. Flor. Wigorn. p. 638 Spel. Concil fol, 13, A. D. 1078.]

This point was a great object in the politics of the Roman pontiffs; and it cost them infinitely more pains to establish it than the propagation of any speculative absurdity which they had ever attempted to introduce. Many synods were summoned in different parts of Europe before it was finally settled; and it was there constantly remarked, that the younger clergymen complied cheerfully with the pope's decrees in this particular, and that the chief reluctance appeared in those who were more advanced in years; an event so little consonant to men's natural expectations, that it could not fail to be glossed on even in that blind and superstitious age. William allowed the pope's legate to assemble, in his absence a synod at Winchester, in order to establish the celibacy of the clergy; but the church of England could not yet be carried the whole length expected. The synod was content with decreeing, that the bishops should not thenceforth ordain any priests or deacons without exacting from them a promise of celibacy; but they enacted that none, except those who belonged to collegiate or cathedral churches, should be obliged to separate from their wives.

The king passed some years in Normandy; but his long residence there was not entirely owing to his declared preference of that duchy: his presence was also necessary for composing those disturbances which had arisen in that favorite territory, and which had even originally proceeded from his own family. Robert, his eldest son, surnamed Gambaron or

Courthose, from his short legs, was a prince who inherited all the bravery of his family and nation; but without that policy and dissimulation by which his father was so much distinguished, and which, no less than his military valor, had contributed to his great successes. Greedy of fame, impatient of contradiction, without reserve in his friendships, declared in his enmities, this prince could endure no control even from his imperious father, and openly aspired to that independence, to which his temper, as well as some circumstances in his situation, strongly invited him.<sup>81</sup> When William first received the submissions of the province of Maine, he had promised the inhabitants that Robert should be their prince; and before he undertook the expedition against England, he had, on the application of the French court, declared him his successor in Normandy, and had obliged the barons of that duchy to do him homage as their future sovereign. By this artifice, he had endeavored to appease the jealousy of his neighbors, as affording them a prospect of separating England from his dominions on the continent; but when Robert demanded of him the execution of those engagements, he gave him an absolute refusal, and told him, according to the homely saying, that he never intended to throw off his clothes till he went to bed.<sup>82</sup> Robert openly declared his discontent, and was suspected of secretly instigating the king of France and the earl of Brittany to the opposition which they made to William, and which had formerly frustrated his attempts upon the town of Dol. And as the quarrel still augmented, Robert proceeded to entertain a strong jealousy of his two surviving brothers, William and Henry, (for Richard was killed, in hunting, by a stag,) who, by greater submission and complaisance, had acquired the affections of their father. In this disposition, on both sides, the greatest trifle sufficed to produce a rupture between them.

The three princes, residing with their father in the castle of L'Aigle, in Normandy, were one day engaged in sport together, and after some mirth and jollity, the two younger took a fancy of throwing over some water on Robert as he passed through the court on leaving their apartment;<sup>83</sup> a frolic which he would naturally have regarded as innocent, had it not been for the suggestions of Alberic de Grentmesnil, son of that Hugh de Grentmesnil whom William had formerly deprived of his fortunes, when that baron deserted him during his greatest difficulties in England. The young man, mindful of the injury, persuaded the prince that this action

was meant as a public affront, which it behoved him in honor to resent; and the choleric Robert, drawing his sword, ran up stairs, with an intention of taking revenge on his brothers.<sup>84</sup>

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<sup>81</sup> Order. Vitalis, p. 545. Hoveden, p. 457. Flor. Wigorn. p. 639.]

<sup>82</sup> Chron. de Mailr. p. 160.]

<sup>83</sup> Order. Vitalis, p 545]

<sup>84</sup> Order. Vitalis, p 545]

The whole castle was filled with tumult, which the king himself, who hastened from his apartment, found some difficulty to appease. But he could by no means appease the resentment of his eldest son who, complaining of his partiality, and fancying that no proper atonement had been made him for the insult, left the court that very evening, and hastened to Rouen, with an intention of seizing the citadel of that place.<sup>85</sup> But being disappointed in this view by the precaution and vigilance of Roger de Ivery, the governor, he fled to Hugh de Neufchatel, a powerful Norman baron, who gave him protection in his castles; and he openly levied war against his father.<sup>86</sup> The popular character of the prince, and a similarity of manners, engaged all the young nobility of Normandy and Maine, as well as of Anjou and Brittany, to take part with him: and it was suspected that Matilda, his mother, whose favorite he was, supported him in his rebellion by secret remittances of money; and by the encouragement which she gave his partisans.

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<sup>85</sup> Order. Vitalis, p. 545.]

<sup>86</sup> Order. Vitalis, p. 545. Hoveden, 457, Sim. Dunelm. p. 210. Diceto, p. 487]

All the hereditary provinces of William, as well as his family, were during several years thrown into convulsions by this war; and he was at last obliged to have recourse to England, where that species of military government, which he had established, gave him greater authority than

the ancient feudal institutions permitted him to exercise in Normandy. He called over an army of English under his ancient captains, who soon expelled Robert and his adherents from their retreats, and restored the authority of the sovereign in all his dominions. The young prince was obliged to take shelter in the castle of Gerberoy, in the Beauvoisis, which the king of France, who secretly fermented all these dissensions, had provided for him. In this fortress he was closely besieged by his father, against whom having a strong garrison, he made an obstinate defence. There passed under the walls of this place many rencounters which resembled more the single combats of chivalry than the military actions of armies; but one of them was remarkable for its circumstances and its event. Robert happened to engage the king, who was concealed by his helmet, and, both of them being valiant, a fierce combat ensued, till at last the young prince wounded his father in the arm and unhorsed him. On his calling out for assistance, his voice discovered him to his son, who, struck with remorse for his past guilt, and astonished with the apprehensions of one much greater, which he had so nearly incurred, instantly threw himself at his father's feet, craved pardon for his offences, and offered to purchase forgiveness by any atonement.<sup>87</sup> The resentment harbored by William was so implacable, that he did not immediately correspond to this dutiful submission of his son with like tenderness; but, giving him his malediction, departed for his own camp, on Robert's horse, which that prince had assisted him to mount, He soon after raised the siege, and marched with his army to Normandy; where the interposition of the queen and other common friends brought about a reconciliation, which was probably not a little forwarded by the generosity of the son's behavior in this action, and by the returning sense of his past misconduct. The king seemed so fully appeased that he even took Robert with him into England, where he intrusted him with the command of an army, in order to repel an inroad of Malcolm, king of Scotland, and to retaliate by a like inroad into that country. The Welsh, unable to resist William's power, were, about the same time, necessitated to pay a compensation for their incursions; and every thing was reduced to full tranquillity in this island.

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<sup>87</sup> W. Malms, p. 106. H. Hunting, p. 369. Hoveden, p. 457. Flor Wigorn. p. 639. Sim. Dunelm. p. 210. Diceto, p. 287. Knyghton, p. 2351. Alured.

This state of affairs gave William leisure to begin and finish an *1081*. undertaking, which proves his extensive genius and does honor to his memory; it was a general survey of all the lands in the kingdom, their extent in each district, their proprietors, tenures, value; the quantity of meadow, pasture, wood, and arable land, which they contained; and in some counties, the number of tenants, cottagers, and slaves of all denominations, who lived upon them. He appointed commissioners for this purpose, who entered every particular in their register by the verdict of juries; and after a labor of six years, (for the work was so long in finishing,) brought him an exact account of all the landed property of his kingdom.<sup>88</sup>

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<sup>88</sup> Chron. Sax. p. 190. Ingulph. p. 79. Chron. T. Wykes, p. 23. H. Hunting, p. 370. Hoveden, p. 460. M. West. p. 229. Flor Wigorn. p. 641. Chron. Abb. St. Petri de Burgo, p. 51. M. Paris p. 8. The more northern counties were not comprehended in this survey; I suppose because of their wild, uncultivated state.]

This monument, called domesday-book, the most valuable piece of antiquity possessed by any nation, is still preserved in the exchequer; and though only some extracts of it have hitherto been published, it serves to illustrate to us, in many particulars, the ancient state of England. The great Alfred had finished a like survey of the kingdom in his time, which was long kept at Winchester, and which probably served as a model to William in this undertaking.<sup>89</sup>

The king was naturally a great economist; and though no prince had ever been more bountiful to his officers and servants, it was merely because he had rendered himself universal proprietor of England, and had a whole kingdom to bestow. He reserved an ample revenue for the crown; and in the general distribution of land among his followers, he kept possession of no less than one thousand four hundred and twenty—two manors in different parts of England,<sup>90</sup> which paid him rent either in money, or in corn, cattle, and the usual produce of the soil. An ancient

historian computes that his annual fixed income, besides escheats, fines, reliefs, and other casual profits to a great value, amounted to near four hundred thousand pounds a year;<sup>91</sup> a sum which, if all circumstances be attended to, will appear wholly incredible. A pound in that age, as we have already observed, contained three times the weight of silver that it does at present; and the same weight of silver, by the most probable computation, would purchase near ten times more of the necessaries of life, though not in the same proportion of the finer manufactures. This revenue, therefore, of William, would be equal to at least nine or ten millions at present; and as that prince had neither fleet nor army to support, the former being only an occasional expense, and the latter being maintained, without any charge to him, by his military vassals, we must thence conclude that no emperor or prince, in any age or nation, can be compared to the Conqueror for opulence and riches. This leads us to suspect a great mistake in the computation of the historian; though, if we consider that avarice is always imputed to William as one of his vices, and that, having by the sword rendered himself master of all the lands in the kingdom, he would certainly, in the partition, retain a great proportion for his own share, we can scarcely be guilty of any error in asserting, that perhaps no king of England was ever more opulent, was more able to support by his revenue the splendor and magnificence of a court, or could bestow more on his pleasures, or in liberalities to his servants and favorites.<sup>92</sup>

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<sup>89</sup> Ingulph. p. 8.]

<sup>90</sup> West's Inquiry into the Manner of creating Peers, p. 24.]

<sup>91</sup> Order. Vitalis, p. 523. He says, one thousand and sixty pounds and some odd shillings and pence a day.]

<sup>92</sup> Fortescue, de Dom. Reg. et Politic, cap. 111.]

There was one pleasure to which William, as well as all the Normans and ancient Saxons, was extremely addicted, and that was hunting; but this pleasure he indulged more at the expense of his unhappy subjects, whose interests he always disregarded, than to the loss or diminution of his own revenue. Not content with those large forests which former kings

possessed in all parts of England, he resolved to make a new forest near Winchester, the usual place of his residence; and for that purpose, he laid waste the country in Hampshire for an extent of thirty miles, expelled the inhabitants from their houses, seized their property, even demolished churches and convents, and made the sufferers no compensation for the injury.<sup>93</sup> At the same time, he enacted new laws, by which he prohibited all his subjects from hunting in any of his forests, and rendered the penalties more severe than ever had been inflicted for such offences. The killing of a deer or boar, or even a hare, was punished with the loss of the delinquent's eyes; and that at a time when the killing of a man could be atoned for by paying a moderate fine or composition.

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<sup>93</sup> W. Malms, p. 3. H. Hunting, p. 731. *Anglia Sacra*, vol. i. p. 258]

The transactions recorded during the remainder of this reign may be considered more as domestic occurrences, which concern the prince, than as national events, which regard England. Odo, bishop of Baieux, the king's uterine brother, whom he had created earl of Kent, and intrusted with a great share of power during his whole reign, had amassed immense riches; and agreeably to the usual progress of human wishes, he began to regard his present acquisitions but as a step to further grandeur. He had formed the chimerical project of buying the papacy; and though Gregory, the reigning pope, was not of advanced years, the prelate had confided so much in the predictions of an astrologer, that he reckoned upon the pontiff's death, and upon attaining, by his own intrigues and money, that envied state of greatness. Resolving, therefore, to remit all his riches to Italy, he had persuaded many considerable barons, and among the rest Hugh, earl of Chester, to take the same course; in hopes that, when he should mount the papal throne, he would bestow on them more considerable establishments in that country. The king, from whom all these projects had been carefully concealed, at last got intelligence of the design, and ordered Odo to be arrested. His officers, from respect to the immunities which the ecclesiastics now assumed, scrupled to execute the command, till the king himself was obliged in person to seize him; and when Odo insisted that he was a prelate, and exempt from all temporal



jurisdiction, William replied, that he arrested him, not as bishop of Baieux, but as earl of Kent. He was sent prisoner to Normandy; and notwithstanding the remonstrances and menaces of Gregory, was detained in custody during the remainder of this reign.

Another domestic event gave the king much more concern: it was the <sup>1083.</sup> death of Matilda, his consort, whom he tenderly loved, and for whom he had ever preserved the most sincere friendship. Three years afterwards he passed into Normandy, and carried with him Edgar Atheling, to whom he willingly granted permission to make a pilgrimage to the Holy Land. He was detained on the continent by a misunderstanding which broke out between him and the king of France, and which was occasioned by inroads made into Normandy by some French barons on the frontiers.

It was little in the power of princes at that time to restrain their <sup>1087.</sup> licentious nobility; but William suspected, that these barons durst not have provoked his indignation, had they not been assured of the countenance and protection of Philip. His displeasure was increased by the account he received of some railleries which that monarch had thrown out against him. William, who was become corpulent, had been detained in bed some time by sickness; upon which Philip expressed his surprise that his brother of England should be so long in being delivered of his big belly. The king sent him word, that, as soon as he was up, he would present so many lights at Notre-dame, as would perhaps give little pleasure to the king of France; alluding to the usual practice at that time of women after childbirth. Immediately on his recovery, he led an army into L'Isle de France, and laid every thing waste with fire and sword. He took the town of Mante, which he reduced to ashes. But the progress of these hostilities was stopped by an accident which soon after put an end to William's life. His horse starting aside of a sudden, he bruised his belly on the pommel of the saddle; and being in a bad habit of body, as well as somewhat advanced in years, he began to apprehend the consequences, and ordered himself to be carried in a litter to the monastery of St Gervas. Finding his illness increase, and being sensible of the approach of death, he discovered at last the vanity of all human grandeur, and was struck with remorse for those horrible cruelties and acts of violence, which, in the attainment and defence of it, he had committed during the course of his reign over

England. He endeavored to make atonement by presents to churches and monasteries; and he issued orders that Earl Morcar, Siward, Bearne, and other English prisoners, should be set at liberty. He was even prevailed on, though not without reluctance, to consent, with his dying breath, to release his brother Odo, against whom he was extremely incensed. He left Normandy and Maine to his eldest son, Robert: he wrote to Lanfranc, desiring him to crown William king of England; he bequeathed to Henry nothing but the possessions of his mother, Matilda; but foretold that he would one day surpass both his brothers in power and opulence. He expired in the sixty-third year of his age, in the twenty-first year of his reign over England, and in the fifty-fourth of that over Normandy.

Few princes have been more fortunate than this great monarch, or were better entitled to grandeur and prosperity, from the abilities and the vigor of mind which he displayed in all his conduct. His spirit was bold and enterprising, yet guided by prudence; his ambition, which was exorbitant, and lay little under the restraints of justice, still less under those of humanity, ever submitted to the dictates of sound policy. Born in an age when the minds of men were intractable, and unacquainted with submission, he was yet able to direct them to his purposes, and, partly from the ascendant of his vehement character, partly from art and dissimulation, to establish an unlimited authority. Though not insensible to generosity, he was hardened against compassion; and he seemed equally ostentatious and equally ambitious of show and parade in his clemency and in his severity. The maxims of his administration were austere, but might have been useful, had they been solely employed to preserve order in an established government:<sup>94</sup> they were ill calculated for softening the rigors which, under the most gentle management, are inseparable from conquest.

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<sup>94</sup> M. West. p. 230. *Anglia Sacra*, vol. i. p. 258.]

His attempt against England was the last great enterprise of the kind, which, during the course of seven hundred years, has fully succeeded in Europe, and the force of his genius broke through those limits which first the feudal institutions, then the refined policy of princes, have fixed to the

several states of Christendom. Though he rendered himself infinitely odious to his English subjects, he transmitted his power to his posterity, and the throne is still filled by his descendants; a proof that the foundations which he laid were firm and solid, and that, amidst all his violence, while he seemed only to gratify the present passion, he had still an eye towards futurity.

Some writers have been desirous of refusing to this prince the title of conqueror, in the sense which that term commonly bears; and on pretence that the word is sometimes in old books applied to such as make an acquisition of territory by any means, they are willing to reject William's title, by right of war, to the crown of England. It is needless to enter, into a controversy, which, by the terms of it, must necessarily degenerate into a dispute of words. It suffices to say, that the duke of Normandy's first invasion of the island was hostile; that his subsequent administration was entirely supported by arms; that in the very frame of his laws he made a distinction between the Normans and English, to the advantage of the former;<sup>95</sup> that he acted in every thing as absolute master over the natives, whose interests and affections he totally disregarded; and that if there was an interval when he assumed the appearance of a legal sovereign, the period was very short, and was nothing but a temporary Sacrifice, which he, as has been the case with most conquerors, was obliged to make, of his inclination to his present policy.

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<sup>95</sup> Hoveden, p. 600.]

Scarce any of those revolutions, which, both in history and in common language, have always been denominated conquests, appear equally violent, or were attended with so sudden an alteration both of power and property. The Roman state, which spread its dominion over Europe, left the rights of individuals in a great measure untouched; and those civilized conquerors, while they made their own country the seat of empire, found that they could draw most advantage from the subjected provinces, by securing to the natives the free enjoyment of their own laws and of their private possessions. The barbarians who subdued the Roman empire, though they settled in the conquered countries, yet being accustomed to a

rude, uncultivated life, found a part only of the land sufficient to supply all their wants; and they were not tempted to seize extensive possessions, which they knew neither how to cultivate nor enjoy. But the Normans and other foreigners who followed the standard of William while they made the vanquished kingdom the seat of government, were yet so far advanced in arts as to be acquainted with the advantages of a large property; and having totally subdued the natives, they pushed the rights of conquest (very extensive in the eyes of avarice and ambition, however narrow in those of reason) to the utmost extremity against them. Except the former conquest of England by the Saxons themselves, who were induced, by peculiar circumstances, to proceed even to the extermination of the natives, it would be difficult to find in all history a revolution more destructive, or attended with a more complete subjection of the ancient inhabitants. Contumely seems even to have been wantonly added to oppression;<sup>96</sup> and the natives were universally reduced to such a state of meanness and poverty, that the English, name became a term of reproach; and several generations elapsed before one family of Saxon pedigree was raised to any considerable honors, or could so much as attain the rank of baron of the realm.<sup>97</sup> These facts are so apparent from the whole tenor of the English history, that none would have been tempted to deny or elude them, were they not heated by the controversies of faction; while one party was absurdly afraid of those absurd consequences which they saw the other party inclined to draw from this event. But it is evident that the present rights and privileges of the people, who are a mixture of English and Normans, can never be affected by a transaction which passed seven hundred years ago; and as all ancient authors,<sup>98</sup> who lived nearest the time, and best knew the state of the country, unanimously speak of the Norman dominion as a conquest by war and arms, no reasonable man, from the fear of imaginary consequences, will ever be tempted to reject their concurring and undoubted testimony.

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<sup>96</sup> H. Hunting, p. 370. Brompton, p. 980.]

<sup>97</sup> So late as the reign of King Stephen, the earl of Albemarle, before the battle of the Standard, addressed the officers of his army in these terms: "Proceres Angliae clarissimi, et genere Normanni, etc." Brompton, p. 1026.

See, further, Abbas Rieval, p. 339, etc All the barons and military men of England still called themselves Normans.]

<sup>98</sup> Ingulf p. 70. H. Hunt. p. 370, 372. M. West. p. 225. Gul. Neub. p. 357. Alured. Beverl. p. 124. De Gest, Angl. p. 333. M Paris, p. 4. Sim. Dun. p. 206. Brompton, p. 962, 980, 1161. Gervase. lib. i. cap. 16. Textus Roffensis apud Seld. Spieileg. ad Eadm. p. 197. Gul. Pict. p. 206. Ordericus Vitalis, p. 521, 666, 853., Epist. St. Thom, p. 801. Gul. Malms, p. 52, 57. Knyghton, p. 2354. Eadmer, p. 110. Thorn. Rudborne in Ang. Sacra, vol. i p. 248. Monach. Roff. in Ang. Sacra, vol. ii. p. 276. Girald. Camb. in eadem, vol. ii. p. 413. Hist. Elyensis, p. 516.

The words of this last historian, who is very ancient, are remarkable, and worth transcribing. Rex itaque factus, Willielmus, quid in principes Anglorum, qui tantæ cladi superesse poterant, fecerit, dicere, cum nihil prosit, omitto. Quid enim prodesset, si nec unum in toto regno de illis dicerem pristina potestate uti permissum, sed omnes aut in gravem paupertatis ærumnam detrusos, aut exhæredatos, patria pulsos, aut effossia, oculis, vel cæteris amputatis membris, opprobrium hominum factos, aut certe miserrime afflictos, vita privatos. Simili modo utilitate carere existimo dicere quid in minorem populum, non solum ab esed<sup>2</sup> a suis actum sit, cum id dictu sciamus difficile et ob immanem crudelitatem fortassis incredibile.]

King William had issue, besides his three sons who survived him, five daughters, to wit, first, Cicily, a nun in the monastery of Feschamp, afterwards abbess in the Holy Trinity at Caen, where she died in 1127. Second, Constantia, married to Alan Fergant, earl of Brittany: she died without issue. Third Alice, contracted to Harold. Fourth, Adela, married to Stephen, earl of Blois, by whom she had four sons, William, Theobold, Henry, and Stephen; of whom the elder was neglected, on account of the imbecility of his understanding. Fifth, Agatha, who died a virgin; but was betrothed to the king of Gallicia. She died on her journey thither before she joined her bridegroom.







WILLIAM II.  
*surnamed Rufus.*

## CHAPTER 5.

### WILLIAM RUFUS.

**W**ILLIAM, surnamed Rufus, or the Red, from the color of his <sup>1087.</sup> hair, had no sooner procured his father's recommendatory letter to Lanfranc, the primate, than he hastened to take measures for securing to himself the government of England. Sensible that a deed so unformal, and so little prepared, which violated Robert's right of promigeniture, might meet with great opposition, he trusted entirely for success to his own celerity; and having left St. Gervas while William was breathing his last, he arrived in England before intelligence of his father's death had reached that kingdom.<sup>1</sup> Pretending orders from the king, he secured the fortresses of Dover, Pevensey, and Hastings, whose situation rendered them of the greatest importance; and he got possession of the royal treasure at Winchester, amounting to the sum of sixty thousand pounds, by which he hoped to encourage and increase his partisans.<sup>2</sup> The primate, whose rank and reputation in the kingdom gave him great authority, had been intrusted with the care of his education, and had conferred on him the honor of knighthood;<sup>3</sup> and being connected with him by these ties, and probably deeming his pretensions just, declared that he would pay a willing obedience to the last will of the Conqueror, his friend and benefactor. Having assembled some bishops and some of the principal nobility, he instantly proceeded to the ceremony of crowning the new king;<sup>4</sup> and by this despatch endeavored to prevent all faction and resistance. At the same time, Robert, who had been already acknowledged successor to Normandy, took peaceable possession of that duchy.

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<sup>1</sup> W. Malms, p. 120. M. Paris, p. 10.]

<sup>2</sup> Chron. Sax. p. 192. Brompton, p. 983.]

<sup>3</sup> W. Malms, p. 120. M. Paris, p. 10. Thorn. Rudborne, p. 263]

<sup>4</sup> Hoveden, p. 461.]



But though this partition appeared to have been made without any violence or opposition, there remained in England many causes of discontent, which seemed to menace that kingdom with a sudden revolution. The barons, who generally possessed large estates both in England and in Normandy, were uneasy at the separation of those territories; and foresaw that, as it would be impossible for them to preserve long their allegiance to two masters, they must necessarily resign either their ancient patrimony or their new acquisitions.<sup>5</sup>

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<sup>5</sup> Order. Vitalis, p. 666.]

Robert's title to the duchy they esteemed incontestable; his claim to the kingdom plausible; and they all desired that this prince, who alone had any pretensions to unite these states, should be put in possession of both. A comparison also of the personal qualities of the two brothers led them to give the preference to the elder. The duke was brave, open, sincere, generous: even his predominant faults, his extreme indolence and facility, were not disagreeable to those haughty barons, who affected independence, and submitted with reluctance to a vigorous administration in their sovereign. The king, though equally brave, was violent, haughty, tyrannical; and seemed disposed to govern more by the fear than by the love of his subjects. Odo, bishop of Baieux, and Robert, earl of Mortaigne, maternal brothers of the Conqueror, envying the great credit of Lanfranc, which was increased by his late services enforced all these motives with their partisans, and engaged them in a formal conspiracy to dethrone the king. They communicated their design to Eustace, count of Boulogne Roger, earl of Shrewsbury and Arundel, Robert de Belesme, his eldest son, William, bishop of Durham, Robert de Moubray, Roger Bigod, Hugh de Grentmesnil; and they easily procured the assent of these potent noblemen. The conspirators, retiring to their castles, hastened to put themselves in a military posture; and expecting to be soon supported by a powerful army from Normandy, they had already begun hostilities in many places.

The king, sensible of his perilous situation, endeavored to engage the affections of the native English, As that people were now so thoroughly

subdued that they no longer aspired to the recovery of their ancient liberties, and were content with the prospect of some mitigation in the tyranny of the Norman princes, they zealously embraced William's cause, upon receiving general promises of good treatment, and of enjoying the license of hunting in the royal forests. The king was soon in a situation to take the field; and as he knew the danger of delay, he suddenly marched into Kent, where his uncles had already seized the fortresses of Pevensey and Rochester. These places he successively reduced by famine; and though he was prevailed on by the earl of Chester, William de Warrenne, and Robert Fitz-Hammon, who had embraced his cause, to spare the lives of the rebels, he confiscated all their estates, and banished them the kingdom.<sup>6</sup> This success gave authority to his negotiations with Roger, earl of Shewsbury, whom he detached from the confederates; and as his powerful fleet, joined to the indolent conduct of Robert, prevented the arrival of the Norman succors, all the other rebels found no resource but in flight or submission. Some of them received a pardon; but the greater part were attainted; and the king bestowed their estates on the Norman barons who had remained faithful to him.

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<sup>6</sup> Chron. Sax. p. 195. Order. Vitalis, p. 668.]

William, freed from the danger of these insurrections, took little *1089* care of fulfilling his promises to the English, who still found themselves exposed to the same oppressions which they had undergone during the reign of the Conqueror, and which were rather augmented by the violent, impetuous temper of the present monarch. The death of Lanfranc, who retained great influence over him, gave soon after a full career to his tyranny; and all orders of men found reason to complain of an arbitrary and illegal administration. Even the privileges of the church, held sacred in those days, were a feeble rampart against his usurpations. He seized the temporalities of all the vacant bishoprics and abbeys; he delayed the appointing of successors to those dignities, that he might the longer enjoy the profits of their revenue; he bestowed some of the church lands in property on his captains and favorites; and he openly set to sale such sees and abbeys as he thought proper to dispose of. Though the murmurs of the

ecclesiastics, which were quickly propagated to the nation, rose high against this grievance, the terror of William's authority, confirmed by the suppression of the late insurrections, retained everyone in subjection, and preserved general tranquillity in England.

The king, even thought himself enabled to disturb his brother in the *1090*. possession of Normandy. The loose and negligent administration of that prince had imboldened the Norman barons to affect a great independency; and their mutual quarrels and devastations had rendered that whole territory a scene of violence and outrage. Two of them, Walter and Odo, were bribed by William to deliver the fortresses of St. Valeri and Albemarle into his hands: others soon after imitated the example of revolt, while Philip, king of France, who ought to have protected his vassal in the possession of his fief, was, after making some efforts in his favor, engaged by large presents to remain neuter. The duke had also reason to apprehend danger from the intrigues of his brother Henry.

This young prince, who had inherited nothing of his father's great possessions but some of his money, has furnished Robert, while he was making his preparations against England, with the sum of three thousand marks; and in return for so slender a supply, had been put in possession of the Cotentin, which comprehended near a third of the duchy of Normandy. Robert afterwards, upon some suspicion, threw him into prison; but finding himself exposed to invasion from the king of England, and dreading the conjunction of the two brothers against him, he now gave Henry his liberty, and even made use of his assistance in suppressing the insurrections of his rebellious subjects. Conan, a rich burgess of Rouen, had entered into a conspiracy to deliver that city to William; but Henry, on the detection of his guilt, carried the traitor up to a high tower and with his own hands flung him from the battlements.

The king appeared in Normandy at the head of an army and affairs seemed to have come to extremity between the brothers, when the nobility on both sides, strongly connected by interest and alliances, interposed, and meditated an accommodation. The chief advantage of this treaty accrued to William, who obtained possession of the territory of Eu, the towns of Aumule, Fescamp, and other places; but in return he promised, that he would assist his brother in subduing Maine, which had rebelled;

and that the Norman barons, attainted in Robert's cause, should be restored to their estates in England. The two brothers also stipulated, that, on the demise of either without issue, the survivor should inherit all his dominions; and twelve of the most powerful barons on each side swore that they would employ their power to insure the effectual execution of the whole treaty.<sup>7</sup> a strong proof of the great independence and authority of the nobles in those ages.

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<sup>7</sup> Chron. Sax. p. 197. W. Malms, p. 121. Hoveden, p. 462. M Paris, p. 11. Annul. Waverl. p. 137. W. Heming. p. 463. Sum Dunelm. p. 216. Brompton, p. 986.]

Prince Henry, disgusted that so little care had been taken of his interests in this accommodation, retired to St. Michael's Mount, a strong fortress on the coast of Normandy, and infested the neighborhood with his incursions. Robert and William, with their joint forces, besieged him in this place, and had nearly reduced him by the scarcity of water, when the elder, hearing of his distress, granted him permission to supply himself, and also sent him some pipes of wine for his own table. Being reproved by William for this ill-timed generosity, he replied, "What, shall I suffer my brother to die of thirst? Where shall we find another when he is gone?" The king also, during this siege, performed an act of generosity which was less suitable to his character. Riding out one day alone, to take a survey of the fortress, he was attacked by two soldiers, and dismounted. One of them drew his sword in order to despatch him, when the king exclaimed, "Hold, knave! I am the king of England." The soldier suspended his blow and, raising the king from the ground with expressions of respect, received a handsome reward, and was taken into his service. Prince Henry was soon after obliged to capitulate; and being despoiled of all his patrimony, wandered about for some time with very few attendants, and often in great poverty.

The continued intestine discord among the barons was alone in that age *1091*. destructive; the public wars were commonly short and feeble, produced little bloodshed, and were attended with no memorable event. To this Norman war, which was so soon concluded, there succeeded hostilities with Scotland, which were not of longer duration. Robert here

Commanded his brother's army, and obliged Malcolm to accept of peace, and do homage to the crown of England. This peace was not more durable. Malcolm, two years after, levying an army, invaded England; and after <sup>1093.</sup> ravaging, Northumberland, he laid siege to Alnwick, where, a party of Earl Moubray's troops falling upon him by surprise, a sharp action ensued in which Malcolm was slain. This incident interrupted for some years the regular succession to the Scottish crown, Though Malcolm left legitimate sons, his brother Donald, on account of the youth of these princes, was advanced to the throne; but kept not long possession of it. Duncan, natural son of Malcolm, formed a conspiracy against him; and being assisted by William with a small force, made himself master of the kingdom. New broils ensued with Normandy. The frank, open, remiss temper of Robert was ill fitted to withstand the interested, rapacious character of William, who, supported by greater power, was still encroaching on his brother's possessions, and instigating his turbulent barons to rebellion against him. The king, having gone over to Normandy to support his partisans, ordered an army of twenty thousand men to be levied in England, and to be conducted to the sea-coast, as if they were instantly to be embarked.

Here Ralph Flambard, the king's minister, and the chief instrument of <sup>1094.</sup> his extortions, exacted ten shillings apiece from them, in lieu of their service, and then dismissed them into their several counties. This money was so skilfully employed by William that it rendered him better service than he could have expected from the army. He engaged the French king by new presents to depart from the protection of Robert; and he daily bribed the Norman barons to desert his service; but was prevented from pushing his advantages by an incursion of the Welsh, which obliged him to return to England, he found no difficulty in repelling the enemy; but was not able to make any considerable impression on a country guarded by its mountainous situation. A conspiracy of his own barons which was detected at this time, appeared a more serious concern, and engrossed all his attention.

Robert Moubray, earl of Northumberland, was at the head of this <sup>1095.</sup> combination; and he engaged in it the count d'Eu, Richard de Tunbridge, Roger de Lacy, and many others. The purpose of the conspirators was to dethrone the king, and to advance in his stead Stephen, count of Aumale,

nephew to the Conqueror. William's despatch prevented the design from taking effect, and disconcerted the conspirators. Moubray made some resistance; but being taken prisoner, was attainted and thrown into confinement, where he died about thirty years after.

The count d'Eu denied his concurrence in the plot, and to justify <sup>1096</sup> himself, fought, in the presence of the court at Windsor, a duel with Geoffrey Bainard, who accused him. But being worsted in the combat, he was condemned to be castrated, and to have his eyes put out. William de Alderi, another conspirator, was supposed to be treated with more rigor when he was sentenced to be hanged.

But the noise of these petty wars and commotions was quite sunk in the tumult of the crusades, which now engrossed the attention of Europe, and have ever since engaged the curiosity of mankind, as the most signal and most durable monument of human folly that has yet appeared in any age or nation. After Mahomet had, by means of his pretended revelations, united the dispersed Arabians under one head, they issued forth from their deserts in great multitudes; and being animated with zeal for their new religion, and supported by the vigor of their new government, they made deep impression on the eastern empire, which was far in the decline with regard both to military discipline and to civil policy. Jerusalem, by its situation, became one of their most early conquests; and the Christians had the mortification to see the holy sepulchre, and the other places consecrated by the presence of their religious founder, fallen into the possession of infidels. But the Arabians or Saracens were so employed in military enterprises, by which they spread their empire, in a few years, from the banks of the Ganges to the Straits of Gibraltar, that they had no leisure for theological controversy; and though the Alcoran, the original monument of their faith, seems to contain some violent precepts, they were much less infected with the spirit of bigotry and persecution than the indolent and speculative Greeks, who were continually refining on the several articles of their religious system. They gave little disturbance to those zealous pilgrims who daily flocked to Jerusalem; and they allowed every man, after paying a moderate tribute, to visit the holy sepulchre, to perform his religious duties, and so return in peace. But the Turcomans or Turks, a tribe of Tartars, who had embraced Mahometanism, having

wrested Syria from the Saracens, and having in the year 1065 made themselves masters of Jerusalem, rendered the pilgrimage much more difficult and dangerous to the Christians. The barbarity of their manners, and the confusions attending their unsettled government, exposed the pilgrims to many insults, robberies, and extortions; and these zealots, returning from their meritorious fatigues and sufferings, filled all Christendom with indignation against the infidels, who profaned the holy city by their presence, and derided the sacred mysteries in the very place of their completion. Gregory VII., among the other vast ideas which he entertained, had formed the design of uniting all the western Christians against the Mahometans; but the egregious and violent invasions of that pontiff on the civil power of princes had created him so many enemies, and had rendered his schemes so suspicious, that he was not able to make great progress in this undertaking. The work was reserved for a meaner instrument, whose low condition in life exposed him to no jealousy, and whose folly was well calculated to coincide with the prevailing principles of the times.

Peter, commonly called the Hermit, a native of Amiens, in Picardy, had made the pilgrimage to Jerusalem. Being deeply affected with the dangers to which that act of piety now exposed the pilgrims, as well as with the instances of oppression under which the eastern Christians labored, he entertained the bold, and, in all appearance, impracticable project of leading into Asia, from the farthest extremities of the west, armies sufficient to subdue those potent and warlike nations which now held the holy city in subjection.<sup>8</sup> He proposed his views to Martin II., who filled the papal chair, and who, though sensible of the advantages which the head of the Christian religion must reap from a religious war, and though he esteemed the blind zeal of Peter a proper means for effecting the purpose,<sup>9</sup> resolved not to interpose his authority till he saw a greater probability of success. He summoned a council at Placentia, which consisted of four thousand ecclesiastics and thirty thousand seculars; and which was so numerous that no hall could contain the multitude, and it was necessary to hold the assembly in a plain.

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<sup>8</sup> Gul. Tyrius, lib. i. cap. 11 M. Paria, p, 17.]

The harangues of the pope, and of Peter himself, representing the dismal situation of their brethren in the East, and the indignity suffered by the Christian name, in allowing the holy city to remain in the hands of infidels, here found the minds of men so well prepared, that the whole multitude suddenly and violently declared for the war, and solemnly devoted themselves to perform this service, so meritorious, as they believed it, to God and religion.

But though Italy seemed thus to have zealously embraced the enterprise, Martin knew that, in order to insure success, it was necessary to enlist the greater and more warlike nations in the same engagement; and having previously exhorted Peter to visit the chief cities and sovereigns of Christendom, he summoned another council at Clermont, in Auvergne.<sup>10</sup> The fame of this great and pious design being now universally diffused, procured the attendance of the greatest prelates, nobles, and princes; and when the pope and the hermit renewed their pathetic exhortations, the whole assembly, as if impelled by an immediate inspiration, not moved by their preceeding impressions, exclaimed with one voice, “It is the will of God, It is the will of God”—words deemed so memorable and so much the result of a divine influence, that they were employed as the signal of rendezvous and battle in all the future exploits of those adventurers.<sup>11</sup> Men of all ranks flew to arms with the utmost ardor; and an exterior symbol too—a circumstance of chief moment,—was here chosen by the devoted combatants. The sign of the cross, which had been hitherto so much revered among Christians, and which, the more it was an object of reproach among the pagan world, was the more passionately cherished by them, became the badge of union, and was affixed to their right shoulder by all who enlisted themselves in this sacred warfare.<sup>12</sup>

Europe was at this time sunk into profound ignorance and superstition. The ecclesiastics had acquired the greatest ascendant over the human mind; the people, who, being little restrained by honor, and less by law, abandoned themselves to the worst crimes and disorders, knew of no other expiation than the observances imposed on them by their spiritual pastors; and it was easy to represent the holy war as an equivalent



for all penances,<sup>13</sup> and an atonement for every violation of justice and humanity.

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<sup>10</sup> Concil. torn. x. Concil. Clarom. M. Paris, p. 16. M. West, p. 233.]

<sup>11</sup> Historia Bell. Sacri, torn. i. Musaei Ital.]

<sup>12</sup> Hist. Bell Sacri, tom. i. Mua. Ital. Order. Vitalis, p. 721.]

<sup>13</sup> Order. Vitalis, p. 720.]

But amidst the abject superstition which now prevailed, the military spirit also had universally diffused itself; and though not supported by art or discipline, was become the general passion of the nations governed by the feudal law. All the great lords possessed the right of peace and war: they were engaged in perpetual hostilities with each other: the open country was become a scene of outrage and disorder: the cities, still mean and poor, were neither guarded by walls nor protected by privileges, and were exposed to every insult: individuals were obliged to depend for safety on their own force, or their private alliances; and valor was the only excellence which was held in esteem, or gave one man the preeminence above another. When all the particular superstitions, therefore, were here united in one great object, the ardor for military enterprises took the same direction; and Europe, impelled by its two ruling passions, was loosened, as it were, from its foundations, and seemed to precipitate itself in one united body upon the East.

All orders of men, deeming the crusades the only road to heaven, enlisted themselves under these sacred banners, and were impatient to open the way with their sword to the holy city. Nobles, artisans, peasants, even priests,<sup>14</sup> enrolled their names; and to decline this meritorious service was branded with the reproach of impiety, or, what perhaps was esteemed still more disgraceful, of cowardice and pusillanimity.<sup>15</sup> The infirm and aged contributed to the expedition by presents and money; and many of them, not satisfied with the merit of this atonement, attended it in person, and were determined, if possible, to breathe their last in sight of that city where their Savior had died for them. Women themselves, concealing their sex under the disguise of armor, attended the camp; and commonly forgot

still more the duty of their sex, by prostituting themselves without reserve to the army.<sup>16</sup> The greatest criminals were forward in a service which they regarded as a propitiation for all crimes; and the most enormous disorders were, during the course of those expeditions, committed by men inured to wickedness, encouraged by example, and impelled by necessity. The multitude of the adventurers soon became so great, that their more sagacious leaders, Hugh, count of Vermandois, brother to the French king, Raymond, count of Toulouse, Godfrey of Bouillon, prince of Brabant, and Stephen, count of Blois,<sup>17</sup> became apprehensive lest the greatness itself of the armament should disappoint its purpose; and they permitted an undisciplined multitude, computed at three hundred thousand men, to go before them, under the command of Peter the Hermit, and Walter the Moneyless.<sup>18</sup>

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<sup>14</sup> Order. Vitalis, p. 720.]

<sup>15</sup> W. Malms, p. 133,]

<sup>16</sup> Vertot, Hist. de Chev. de Malte, vol. i. p. 46.]

<sup>17</sup> Sim. Dunelm. p. 222]

These men took the road towards Constantinople, through Hungary and Bulgaria; and trusting that Heaven, by supernatural assistance, would supply all their necessities, they made no provision for subsistence on their march. They soon found themselves obliged to obtain by plunder what they had vainly expected from miracles; and the enraged inhabitants of the countries through which they passed, gathering together in arms, attacked the disorderly multitude, and put them to slaughter without resistance. The more disciplined armies followed after; and passing the straits at Constantinople, they were mustered in the plains of Asia, and amounted in the whole to the number of seven hundred thousand combatants.<sup>19</sup>

Amidst this universal frenzy, which spread itself by contagion throughout Europe, especially in France and Germany, men were not entirely forgetful of their present interests; and both those who went on this expedition, and those who stain behind, entertained schemes of gratifying by its means their avarice or their ambition. The nobles who

enlisted themselves were moved, from the romantic spirit of the age, to hope for opulent establishments in the East, the chief seat of arts and commerce during those ages; and in pursuit of these chimerical projects, they sold at the lowest price their ancient castles and inheritances, which had now lost all value in their eyes. The greater princes, who remained at home, besides establishing peace in their dominions by giving occupation abroad to the inquietude and martial disposition of their subjects, took the opportunity of annexing to their crown many considerable fiefs, either by purchase or by the extinction of heirs. The pope frequently turned the zeal of the crusaders from the infidels against his own enemies, whom he represented as equally criminal with the enemies of Christ. The convents and other religious societies bought the possessions of the adventurers; and as the contributions of the faithful were commonly intrusted to their management, they often diverted to this purpose what was intended to be employed against the infidels.<sup>20</sup> But no one was a more immediate gainer by this epidemic fury than the king of England, who kept aloof from all connections with those fanatical and romantic warriors.

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<sup>18</sup> M. Paris, p. 20, 21.]

<sup>19</sup> Padre Paolo, Hist. delle Benef. Eccles. p. 128]

Robert, duke of Normandy, impelled by the bravery and mistaken generosity of his spirit, had early enlisted himself in the crusade; but being always unprovided with money, he found that it would be impracticable for him to appear in a manner suitable to his rank and station, at the head of his numerous vassals and subjects, who, transported with the general rage, were determined to follow him into Asia. He resolved, therefore, to mortgage, or rather to sell, his dominions, which he had not talents to govern; and he offered them to his brother William for the very unequal sum of ten thousand marks.<sup>21</sup> The bargain was soon concluded: the king raised the money by violent extortions on his subjects of all ranks, even on the convents, who were obliged to melt their plate in order to furnish the quota demanded of them<sup>22</sup> he was put in possession of Normandy and Maine; and Robert, providing himself with a magnificent train, set out for

the Holy Land, in pursuit of glory, and in full confidence of securing his eternal salvation.

The smallness of this sum, with the difficulties which William found in raising it, suffices alone to refute the account which is heedlessly adopted by historians, of the enormous revenue of the Conqueror. Is it credible that Robert would consign to the rapacious hands of his brother such considerable dominions, for a sum which, according to that account, made not a week's income of his father's English revenue alone? or that the king of England could not on demand, without oppressing his subjects, have been able to pay him the money? The Conqueror, it is agreed, was frugal as well as rapacious, yet his treasure at his death exceeded not sixty thousand pounds, which hardly amounted to his income for two months; another certain refutation of that exaggerated account.

The fury of the crusades during this age less infected England than the neighboring kingdoms; probably because the Norman conquerors, finding their settlement in that kingdom still somewhat precarious, durst not abandon their homes in quest of distant adventures. The selfish, interested spirit also of the king, which kept him from kindling in the general flame, checked its progress among his subjects; and as he is accused of open profaneness,<sup>23</sup> and was endued with a sharp wit,<sup>24</sup> it is likely that he made the romantic chivalry of the crusaders the object of his perpetual raillery.

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<sup>20</sup> W. Malms, p. 123. Chron. T. Wykes, p. 24. Annal. Waverl p. 139. W. Heming. p. 467. Flor. Wigorn. p. 648. Sim. Dunelm, p. 222. Knyghton, p. 2364.]

<sup>21</sup> Eadmer, p. 35. W. Malms, p. 123. W. Heming. p. 467.]

<sup>22</sup> Gul. Newbr. p. 358. Gul. Gemet. p. 292.]

<sup>23</sup> W. Malms, p. 122].

As an instance of his religion, we are told that he once accepted of sixty marks from a Jew, whose son had been converted to Christianity, and who engaged him by that present to assist him in bringing back the youth to Judaism. William employed both menaces and persuasion for that purpose; but finding the convert obstinate in his new faith, he sent for the

father, and told him that as he had not succeeded, it was not just that he should keep the present; but as he had done his utmost, it was but equitable that he should be paid for his pains; and he would therefore retain only thirty marks of the money.<sup>25</sup> At another time, it is said, he sent for some learned Christian theologians and some rabbies, and bade them fairly dispute the question of their religion in his presence. He was perfectly indifferent between them; had his ears open to reason and conviction; and would embrace that doctrine which, upon comparison, should be found supported by the most solid arguments.<sup>26</sup> If this story be true, it is probable that he meant only to amuse himself by turning both into ridicule; but we must be cautious of admitting every thing related by the monkish historians to the disadvantage of this prince. He had the misfortune to be engaged in quarrels with the ecclesiastics, particularly with Anselm, commonly called St. Anselm, archbishop of Canterbury; and it is no wonder his memory should be blackened by the historians of that order.

After the death of Lanfranc, the king for several years retained in his own hands the revenues of Canterbury, as he did those of many other vacant bishoprics: but falling into a dangerous sickness, he was seized with remorse; and the clergy represented to him, that he was in danger of eternal perdition, if before his death he did not make atonement for those multiplied impieties and sacrileges of which he had been guilty.<sup>27</sup> He resolved, therefore, to supply instantly the vacancy of Canterbury; and for that purpose he sent for Anselm, a Piedmontese by birth, abbot of Bee, in Normandy, who was much celebrated for his learning and piety. The abbot earnestly refused the dignity, fell on his knees, wept, and entreated the king to change his purpose,<sup>28</sup> and when he found the prince obstinate in forcing the pastoral staff upon him, he kept his fist so fast clinched, that it required the utmost violence of the bystanders to open it, and force him to receive that ensign of spiritual dignity.<sup>29</sup>

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<sup>24</sup> Eadmer, p. 47.]

<sup>25</sup> W. Malms, p. 123.]

<sup>26</sup> Eadmer, p. 16. Chron. Sax. p. 198,]

<sup>27</sup>..... Eadmer, p. 17. Diceto, p. 494.]

William soon after recovered; and his passions regaining their wonted vigor, he returned to his former violence and rapine. He detained in prison several persons whom he had ordered to be freed during the time of his penitence; he still preyed upon the ecclesiastical benefices; the sale of spiritual dignities continued as open as ever; and he kept possession of a considerable part of the revenues belonging to the see of Canterbury.<sup>30</sup>..... But he found in Anselm that persevering opposition which he had reason to expect from the ostentatious humility which that prelate had displayed in refusing his promotion.

The opposition made by Anselm was the more dangerous on account of the character of piety which he soon acquired in England by his great zeal against all abuses, particularly those in dress and ornament. There was a mode which, in that age, prevailed throughout Europe, both among men and women, to give an enormous length to their shoes, to draw the toe to a sharp point, and to affix to it the figure of a bird's bill, or some such ornament, which was turned upwards, and which was often sustained by gold or silver chains tied to the knee.<sup>31</sup>..... The ecclesiastics took exception at this ornament, which, they said, was an attempt to bely the Scripture, where it is affirmed, that no man can add a cubit to his stature; and they declaimed against it with great vehemence, nay, assembled some synods, who absolutely condemned it. But—such are the strange contradictions in human nature—though the clergy, at that time, could overturn thrones, and had authority sufficient to send above a million of men on their errand to the deserts of Asia, they could never prevail against these long-pointed shoes: on the contrary, that caprice, contrary to all other modes, maintained its ground during several centuries; and if the clergy had not at last desisted from their persecution of it, it might still have been the prevailing fashion in Europe.

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<sup>28</sup>..... Eadmer, p. 19, 43. Chron. Sax. p. 199.]

<sup>29</sup>..... Order. Vitalis, p. 082. W. Malms, p. 123. Knyghton, p. 2369]

But Anselm was more fortunate in decrying the particular mode which was the object of his aversion, and which probably had not taken such fast hold of the affections of the people. He preached zealously against the long hair and curled locks which were then fashionable among the courtiers; he refused the ashes on Ash-Wednesday to those who were so accoutred; and his authority and eloquence had such influence, that the young men universally abandoned that ornament, and appeared in the cropped hair which was recommended to them by the sermons of the primate. The noted historian of Anselm, who was also his companion and secretary, celebrates highly this effort of his zeal and piety.<sup>32</sup>

When William's profaneness therefore returned to him with his health, he was soon engaged in controversies with this austere prelate. There was at that time a schism in the church between Urban and Clement, who both pretended to the papacy;<sup>33</sup> and Anselm, who, as abbot of Bee, had already acknowledged the former, was determined, without the king's consent, to introduce his authority into England.<sup>34</sup> William, who, imitating his father's example, had prohibited his subjects from recognizing any pope whom he had not previously received, was enraged at this attempt, and summoned a synod at Buckingham, with an intention of deposing Anselm; but the prelate's suffragans declared, that, without the papal authority, they knew of no expedient for inflicting that punishment on their primate.<sup>35</sup> The king was at last engaged by other motives to give the preference to Urban's title; Anselm received the pall from that pontiff; and matters seemed to be accommodated between the king and the primate,<sup>36</sup> when the quarrel broke out afresh from a new cause. William had undertaken an expedition against Wales, and required the archbishop to furnish his quota of soldiers for that service, but Anselm, who regarded the demand as an oppression on the church, and yet durst not refuse compliance, sent them so miserably accoutred, that the king was extremely displeased, and threatened him with a prosecution.<sup>37</sup> Anselm, on the other hand, demanded positively that all the revenues of his see should be restored to him; appealed to Borne against the king's injustice;<sup>38</sup> and affairs came to such extremities, that the primate, finding it dangerous to remain in the kingdom, desired and obtained the king's permission to retire beyond sea. All his temporalities were seized;<sup>39</sup> but he was received with great respect by Urban, who considered him as a martyr in the cause

of religion, and even menaced the king, on account of his proceedings against the primate and the church with the sentence of excommunication.

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<sup>30</sup>..... Eadmer, p. 23.]

<sup>31</sup>..... Hoveden, p. 463]

<sup>32</sup>..... Eadmer, p. 25. M. Paris, p. 13. Diceto, p. 494. Spei Concil vol. ii. p. 16.]

<sup>33</sup>..... Eadmer, p. 30]

<sup>34</sup>..... Eadmer, p. 37, 43.]

<sup>35</sup>..... Eadmer, p. 40.]

<sup>36</sup>..... M. Paris, p. 13. Parker, p. 178.]

Anselm assisted at the council of Bari, where, besides fixing the controversy between the Greek and Latin churches concerning the procession of the Holy Ghost,<sup>40</sup> the right of election to church preferments was declared to belong to the clergy alone, and spiritual censures were denounced against all ecclesiastics who did homage to laymen for their sees or benefices, and against all laymen who exacted it.<sup>41</sup> The rite of homage, by the feudal customs, was, that the vassal should throw himself on his knees, should put his joined hands between those of his superior, and should in that posture swear fealty to him.<sup>42</sup> But the council declared & execrable that pure hands, which could create God, and could offer him up as a sacrifice for the salvation of mankind, should be put, after this humiliating manner, between profane hands, which, besides being inured to rapine and bloodshed, were employed day and night in impure purposes and obscene contacts.<sup>43</sup> Such were the reasonings prevalent in that age; reasonings which, though they cannot be passed over in silence, without omitting the most curious and perhaps not the least instructive part of history, can scarcely be delivered with the requisite decency and gravity.

The cession of Normandy and Maine by Duke Robert increased the <sup>1097</sup> king's territories; but brought him no great increase of power, because of the unsettled state of those countries the mutinous disposition of the barons, and the vicinity of the French king, who supported them in all their insurrections. Even Helie, lord of La Fleche, a small town in Anjou,



was able to give him inquietude; and this great monarch was obliged to make several expeditions abroad, without being able to prevail over so petty a baron, who had acquired the confidence and affections of the inhabitants of Maine. He was, however, so fortunate as at last to take him prisoner in a rencounter, but having released him, at the intercession of the French king and the count of Anjou, he found the province of Maine still exposed to his intrigues and incursions. Helie, being introduced by the citizens into the town of Mans, besieged the garrison in the citadel, <sup>1099</sup>. William, who was hunting in the new forest when he received intelligence of this hostile attempt, was so provoked, that he immediately turned his horse, and galloped to the sea-shore at Dartmouth, declaring that he would not stop a moment till he had taken, vengeance for the offence. He found the weather so cloudy and tempestuous, that the mariners thought it dangerous to put to sea: but the king hurried on board, and ordered them to set sail instantly; telling them that they never yet heard of a king that was drowned.<sup>44</sup> By this vigor and celerity he delivered the citadel of Mans from its present danger, and pursuing Helie into his own territories, he laid siege to Majol, a small castle in those parts: but a wound which he <sup>1100</sup>. received before this place, obliged him to raise the siege; and he returned to England.

The weakness of the greatest monarchs during this age, in their military expeditions against their nearest neighbors, appears the more surprising, when we consider the prodigious numbers, which even petty princes, seconding the enthusiastic rage of the people, were able to assemble, and to conduct in dangerous enterprises to the remote provinces of Asia. William earl of Poitiers and duke of Guienne, inflamed with the glory and not discouraged by the misfortunes, which had attended the former adventurers in the crusades, had put himself at the head of an immense multitude, computed by some historians to amount to sixty thousand horse, and a much greater number of foot,<sup>45</sup> and he purposed to lead them into the Holy Land against the infidels. He wanted money to forward the preparations requisite for this expedition, and he offered to mortgage all his dominions to William, without entertaining any scruple on account of that rapacious and iniquitous hand to which he resolved to consign them.<sup>46</sup>

The king accepted the offer; and had prepared a fleet and an army, in order to escort the money and take possession of the rich provinces of Guienne and Poitou; when an accident put an end to his life, and to all his ambitious projects. He was engaged in hunting, the sole amusement, and indeed the chief occupation of princes in those rude times, when society was little cultivated and the arts afforded few objects worthy of attention. Walter Tyrrel, a French gentleman, remarkable for his address in archery, attended him in this recreation, of which the new forest was the scene: and as William had dismounted after a chase, Tyrrel, impatient to show his dexterity, let fly an arrow at a stag which suddenly started before him. The arrow, glancing from a tree, struck the king in the breast, and instantly slew him;<sup>47</sup> while Tyrrel, without informing any one of the accident, put spurs to his horse, hastened to the sea-shore, embarked for France, and joined the crusade in an expedition to Jerusalem; a penance which he imposed on himself for this involuntary crime. The body of William was found in the forest by the country people, and was buried without any pomp or ceremony at Winchester. His courtiers were negligent in performing the last duties to a master who was so little beloved; and every one was too much occupied in the interesting object of fixing his successor, to attend the funeral of a dead sovereign.

The memory of this monarch is transmitted to us with little advantage by the churchmen, whom he had offended; and though we may suspect in general that their account of his vices is somewhat exaggerated, his conduct affords little reason for contradicting the character which they have assigned him, or for attributing to him any very estimable qualities. He seems to have been a violent and tyrannical prince; a perfidious, encroaching, and dangerous neighbor; an unkind and ungenerous relation. He was equally prodigal and rapacious in the management of his treasury; and if he possessed abilities, he lay so much under the government of impetuous passions, that he made little use of them in his administration; and he indulged without reserve that domineering policy which suited his temper, and which, if supported, as it was it him, with courage and vigor, proves often more successful in disorderly times, than the deepest foresight and most refined artifice.

The monuments which remain of this prince in England are the Tower, Westminster Hall, and London Bridge, which he built. The most laudable foreign enterprise which he undertook was the sending of Edgar Atheling, three years before his death, into Scotland, with a small army, to restore Prince Edgar, the true heir of that kingdom, son of Malcolm, and of Margaret, sister of Edgar Atheling; and the enterprise proved successful. It was remarked in that age, that Richard, an elder brother of William's, perished by an accident in the new forest; Richard, his nephew, natural son of Duke Robert, lost his life in the same place after the same manner; and all men, upon the king's fate, exclaimed that, as the Conqueror had been guilty of extreme violence in expelling all the inhabitants of that large district to make room for his game, the just vengeance of Heaven was signaled in the same place by the slaughter of his posterity. William was killed in the thirteenth year of his reign, and about the fortieth of his age. As he was never married, he left no legitimate issue.

In the eleventh year of this reign, Magnus, king of Norway, made a descent on the Isle of Anglesea; but was repulsed by Hugh, earl of Shrewsbury. This is the last attempt made by the northern nations upon England. That restless people seem about this time to have learned the practice of tillage, which thenceforth kept them at home, and freed the other nations of Europe from the devastations spread over them by those piratical invaders. This proved one great cause of the subsequent settlement and improvement of the southern nations.

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<sup>37</sup> Eadmer, p. 49. M. Paris, p. 13. Sim. Dunelm, p. 224.]

<sup>38</sup> M. Paris, p. 14.]

<sup>39</sup> Spelman. Du Cange, in verbo Hominium.]

<sup>40</sup> W. Hemmg. p. 467. Flor. Wigorn. p. 649. Sim. Dunelm p. 524. Brompton, p. 994.]

<sup>41</sup> W. Malms, p. 124. H. Hunting, p. 378. M. Paris, p. 33. Ypod. Neust. p. 442.]

<sup>42</sup> W. Malms, p. 149. The whole is said, by Order. Vitalie (p. 789) to amount to three hundred thousand men.]

<sup>43</sup>..... W. Maims, p. 127.]

<sup>44</sup>..... W. Malms, p. 126. H. Hunting, p. 378. M. Paris, p. 87. Petr. Bles. p. 110]







HENRY I.

## CHAPTER 6.

### HENRY I.

After the adventurers in the holy war were assembled on the banks of <sup>1100.</sup> the Bosphorus, opposite to Constantinople, they proceeded on their enterprise; but immediately experienced those difficulties which their zeal had hitherto concealed from them, and for which, even if they had foreseen them, it would have been almost impossible to provide a remedy. The Greek emperor, Alexis Comnenus, who had applied to the western Christians for succor against the Turks, entertained hopes, and those but feeble ones, of obtaining such a moderate supply as, acting under his command, might enable him to repulse the enemy; but he was extremely astonished to see his dominions overwhelmed on a sudden by such an inundation of licentious barbarians, who, though they pretended friendship, despised his subjects as unwarlike, and detested them as heretical. By all the arts of policy, in which he excelled, he endeavored to divert the torrent; but while he employed professions, caresses, civilities, and seeming services towards the leaders of the crusade, he secretly regarded those imperious allies as more dangerous than the open enemies by whom his empire had been formerly invaded. Having effected that difficult point of disembarking them safely in Asia, he entered into a private correspondence with Soliman, emperor of the Turks; and practised every insidious art which his genius, his power, or his situation enabled him to employ, for disappointing the enterprise, and, discouraging the Latins from making thenceforward any such prodigious migrations. His dangerous policy was seconded by the disorders inseparable from so vast a multitude, who were not united under one head, and were conducted by leaders of the most independent, intractable spirit, unacquainted with military discipline, and determined enemies to civil authority and submission. The scarcity of provisions, the excess of fatigue, the influence of unknown climates, joined to the want of concert in their operations, and to the sword of a warlike enemy, destroyed the adventurers by thousands, and would have abated the ardor of men impelled to war by less powerful motives. Their zeal, however, their bravery, and their irresistible force still

carried them forward, and continually advanced them to the great end of their enterprise. After an obstinate siege, they took Nice, the seat of the Turkish empire; they defeated Soliman in two great battles; they made themselves masters of Antioch; and entirely broke the force of the Turks, who had so long retained those countries in subjection. The soldan of Egypt, whose alliance they had hitherto courted, recovered, on the fall of the Turkish power, his former authority in Jerusalem; and he informed them by his ambassadors, that if they came disarmed to that city, they might now perform their religious vows, and that all Christian pilgrims, who should thenceforth visit the holy sepulchre, might expect the same good treatment which they had ever received from his predecessors. The offer was rejected; the soldan was required to yield up the city to the Christians; and on his refusal, the champions of the cross advanced to the siege of Jerusalem, which they regarded as the consummation of their labors. By the detachments which they had made, and the disasters which they had undergone, they were diminished to the number of twenty thousand foot and fifteen hundred horse; but these were still formidable from their valor, their experience, and the obedience which, from past calamities, they had learned to pay to their leaders. After a siege of five weeks, they took Jerusalem by assault; and, impelled by a mixture of military and religious rage, they put the numerous garrison and inhabitants to the sword, without distinction. Neither arms defended the valiant, nor submission the timorous; no age or sex was spared; infants on the breast were pierced by the same blow with their mothers, who implored for mercy; even a multitude, to the number of ten thousand persons, who had surrendered themselves prisoners and were promised quarter, were butchered in cold blood by those ferocious conquerors.<sup>1</sup> The streets of Jerusalem were covered with dead bodies;<sup>2</sup> and the triumphant warriors, after every enemy was subdued and slaughtered, immediately turned themselves, with the sentiments of humiliation and contrition, towards the holy sepulchre.

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<sup>1</sup> Vertot, vol. i. p. 57.]



They threw aside their arms, still streaming with blood; they advanced with reclined bodies, and naked feet and heads, to that sacred monument; they sung anthems to their Savior, who had there purchased their salvation by his death and agony; and their devotion enlivened by the presence of the place where he had suffered, so overcame their fury, that they dissolved in tears, and bore the appearance of every soft and tender sentiment. So inconsistent is human nature with itself! and so easily does the most effeminate superstition ally, both with the most heroic courage and with the fiercest barbarity!

This great event happened on the fifth of July in the last year of the eleventh century. The Christian princes and nobles, after choosing Godfrey of Bouillon king of Jerusalem, began to settle themselves in their new conquests; while some of them returned to Europe, in order to enjoy at home that glory which their valor had acquired them in this popular and meritorious enterprise. Among these was Robert, duke of Normandy, who, as he had relinquished the greatest dominions of any prince that attended the crusade, had all along distinguished himself by the most intrepid courage, as well as by that affable disposition and unbounded generosity which gain the hearts of soldiers, and qualify a prince to shine in a military life. In passing through Italy, he became acquainted with Sibylla, daughter of the count of Conversana, a young lady of great beauty and merit, whom he espoused: indulging himself in this new passion, as well as fond of enjoying ease and pleasure after the fatigues of so many rough campaigns, he lingered a twelvemonth in that delicious climate; and though his friends in the north looked every moment for his arrival, none of them knew when they could with certainty expect it. By this delay he lost the kingdom of England, which the great fame he had acquired during the crusades, as well as his undoubted title, both by birth and by the preceding agreement with his deceased brother, would, had he been present, have infallibly secured to him.

Prince Henry was hunting with Rufus in the new forest, when intelligence of that monarch's death was brought him, and being sensible

of the advantage attending the conjuncture he hurried to Winchester, in order to secure the royal treasure, which he knew to be a necessary implement for facilitating his designs on the crown. He had scarcely reached the place when William de Breteuil, keeper of the treasure, arrived, and opposed himself to Henry's pretensions. This nobleman, who had been engaged in the same party of hunting, had no sooner heard of his master's death, than he hastened to take care of his charge; and he told the prince, that this treasure, as well as the crown, belonged to his elder brother, who was now his sovereign; and that he himself, for his part, was determined, in spite of all other pretensions, to maintain his allegiance to him. But Henry, drawing his sword, threatened him with instant death if he dared to disobey him; and as others of the late king's retinue, who came every moment to Winchester, joined the prince's party, Breteuil was obliged to withdraw his opposition, and to acquiesce in this violence.<sup>3</sup>

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<sup>3</sup> Order. Vitalis, p. 782.]

Henry, without losing a moment, hastened with the money to London; and having assembled some noblemen and prelates, whom his address, or abilities, or presents, gained to his side, he was suddenly elected, or rather saluted king; and immediately proceeded to the exercise of royal authority. In less than three days after his brother's death, the ceremony of his coronation was performed by Maurice, bishop of London, who was persuaded to officiate on that occasion;<sup>4</sup> and thus, by his courage and celerity, he intruded himself into the vacant throne.

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<sup>4</sup> Chron. Sax. p. 208. Order.]

No one had sufficient spirit or sense of duty to appear in defence of the absent prince; all men were seduced or intimidated; present possession supplied the apparent defects in Henry's title, which was indeed founded on plain usurpation; and the barons, as well as the people, acquiesced in a claim, which, though it could neither be justified nor comprehended, could

now, they found, be opposed through the perils alone of civil war and rebellion.

But as Henry foresaw that a crown usurped against all rules of justice would sit unsteady on his head, he resolved, by fair professions at least, to gain the affections of all his subjects. Besides taking the usual coronation oath to maintain the laws and execute justice, he passed a charter, which was calculated to remedy many of the grievous oppressions which had been complained of during the reigns of his father and brother.<sup>5</sup> He there promised, that, at the death of any bishop or abbot, he never would seize the revenues of the see or abbey during the vacancy, but would leave the whole to be reaped by the successor; and that he would never let to farm any ecclesiastical benefice, nor dispose of it for money. After this concession to the church, whose favor was of so great importance, he proceeded to enumerate the civil grievances which he purposed to redress. He promised that, upon the death of any earl, baron, or military tenant, his heir should be admitted to the possession of his estate, on paying a just and lawful relief, without being exposed to such violent exactions as had been usual during the late reigns: he remitted the wardship of minors, and allowed guardians to be appointed, who should be answerable for the trust: he promised not to dispose of any heiress in marriage but by the advice of all the barons; and if any baron intended to give his daughter sister, niece, or kinswoman in marriage, it should only be necessary for him to consult the king, who promised to take no money for his consent, nor ever to refuse permission, unless the person to whom it was purposed to marry her should happen to be his enemy: he granted his barons and military tenants the power of bequeathing by will their money or personal estates; and if they neglected to make a will, he promised that their heirs should succeed to them: he renounced the right of imposing moneyage, and of levying taxes at pleasure on the farms which the barons retained in their own hands;<sup>6</sup> he made some general professions of moderating fines: he offered a pardon for all offences; and he remitted all debts due to the crown: he required that the vassals of the barons should enjoy the same privileges which he granted to his own barons; and he promised a general confirmation and observance of the laws of King Edward. This is the substance of the chief articles contained in that famous charter.<sup>7</sup>

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<sup>5</sup> Chron. Sax. p. 208. Sim. Dunelm. p. 225.]

<sup>6</sup> See Appendix II.]

<sup>7</sup> Mr Paris, p. 38. Hoveden, p. 468. Brompton, p. 1021. Haguistadt, p. 310.]

To give greater authenticity to these concessions, Henry lodged a copy of his charter in some abbey of each county, as if desirous that it should be exposed to the view of all his subjects, and remain a perpetual rule for the limitation and direction of his government: yet it is certain that, after the present purpose was served, he never once thought, during his reign, of observing one single article of it; and the whole fell so much into neglect and oblivion, that, in the following century, when the barons, who had heard an obscure tradition of it, desired to make it the model of the Great Charter which they exacted from King John, they could with difficulty find a copy of it in the kingdom. But as to the grievances here meant to be redressed, they were still continued in their full extent; and the royal authority, in all those particulars, lay under no manner of restriction. Reliefs of heirs, so capital an article, were never effectually fixed till the time of Magna Charta;<sup>8</sup> and it is evident that the general promise here given, of accepting a just and lawful relief, ought to have been reduced to more precision, in order to give security to the subject. The oppression of wardship and marriage was perpetuated even till the reign of Charles II.; and it appears from Glanville,<sup>9</sup> the famous justiciary of Henry II., that in his time, where any man died intestate—an accident which must have been very frequent when the art of writing was so little known—the king, or the lord of the fief, pretended to seize all the movables, and to exclude every heir, even the children of the deceased; a sure mark of a tyrannical and arbitrary government.

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<sup>8</sup> Glanv. lib. ii. cap. 36.]

<sup>9</sup> Lib. vii. cap. 15.]

The Normans, indeed, who domineered in England, were, during this age, so licentious a people, that they may be pronounced incapable of any true

or regular liberty; which requires such improvement in knowledge and morals, as can only be the result of reflection and experience, and must grow to perfection during several ages of settled and established government. A people so insensible to the rights of their sovereign, as to disjoint, without necessity, the hereditary succession, and permit a younger brother to intrude himself into the place of the elder, whom they esteemed, and who was guilty of no crime but being absent, could not expect that. What is called a relief in the Conqueror's laws, preserved by Ingulf, seems to have been the heriot; since reliefs, as well as the other burdens of the feudal law, were unknown in the age of the Confessor, whose laws these originally were. This practice was contrary to the laws of King Edward, ratified by the Conqueror, as we learn from Ingulf, p. 91. But laws had at that time very little influence: power and violence governed every thing. Prince would pay any greater regard to their privileges, or allow his engagements to fetter his power, and debar him from any considerable interest or convenience. They had indeed arms in their hands, which prevented the establishment of a total despotism, and left their posterity sufficient power, whenever they should attain a sufficient degree of reason, to assume true liberty; but their turbulent disposition frequently prompted them to make such use of their arms, that they were more fitted to obstruct the execution of justice, than to stop the career of violence and oppression. The prince, finding that greater opposition was often made to him when he enforced the laws than when he violated them, was apt to render his own will and pleasure the sole rule of government; and on every emergency to consider more the power of the persons whom he might offend, than the rights of those whom he might injure. The very form of this charter of Henry proves, that the Norman barons (for they, rather than the people of England, are chiefly concerned in it,) were totally ignorant of the nature of limited monarchy, and were ill qualified to conduct, in conjunction with their sovereign, the machine of government. It is an act of his sole power, is the result of his free grace, contains some articles which bind others as well as himself, and is therefore unfit to be the deed of any one who possesses not the whole legislative power, and who may not at pleasure revoke all his concessions.

Henry, further to increase his popularity, degraded and committed to prison Ralph Flambard, bishop of Durham, who had been the chief

instrument of oppression under his brother.<sup>10</sup> But this act was followed by another, which was a direct violation of his own charter, and was a bad prognostic of his sincere intentions to observe it: he kept the see of Durham vacant for five years, and during that time retained possession of all its revenues. Sensible of the great authority which Anselm had acquired by his character of piety, and by the persecutions which he had undergone from William, he sent repeated messages to him at Lyons, where he resided, and invited him to return and take possession of his dignities.<sup>11</sup> On the arrival of the prelate, he proposed to him the renewal of that homage which he had done his brother, and which had never been refused by any English bishop; but Anselm had acquired other sentiments by his journey to Rome, and gave the king an absolute refusal.

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<sup>10</sup> Chron. Sax. p. 208. W. Malms, p. 156. M. Paris, p. 39. Alured. Beverl. p. 144.]

<sup>11</sup> Chron. Sax. p. 208. Order. Vitalis, p. 783. M. Paris, p. 39 C. Judon, p. 273.]

He objected the decrees of the council of Bari, at which he himself had assisted; and he declared, that, so far from doing homage for his spiritual dignity, he would not so much as communicate with any ecclesiastic who paid that submission, or who accepted of investitures from laymen. Henry, who expected, in his present delicate situation, to reap great advantages from the authority and popularity of Anselm, durst not insist on his demand;<sup>12</sup> he only desired that the controversy might be suspended, and that messengers might be sent to Rome, in order to accommodate matters with the pope, and obtain his confirmation of the laws and customs of England.

There immediately occurred an important affair, in which the king was obliged to have recourse to the authority of Anselm. Matilda, daughter of Malcolm III., king of Scotland, and niece to Edgar Atheling, had, on her father's death, and the subsequent revolutions in the Scottish government, been brought to England, and educated under her aunt Christina, in the nunnery of Rumsey. This princess Henry purposed to marry; but as she had worn the veil, though never taken the vows, doubts might arise

concerning the lawfulness of the act; and it behoved him to be very careful not to shock, in any particular, the religious prejudices of his subjects. The affair was examined by Anselm, in a council of the prelates and nobles, which was summoned at Lambeth; Matilda there proved, that she had put on the veil, not with a view of entering into a religious life, but merely in consequence of a custom familiar to the English ladies who protected their chastity from the brutal violence of the Normans by taking shelter under that habit,<sup>13</sup> which, amidst the horrible licentiousness of the times, was yet generally revered. The council, sensible that even a princess had otherwise no security for her honor, admitted this reason as valid: they pronounced that Matilda was still free to marry;<sup>14</sup> and her espousals with Henry were celebrated by Anselm with great pomp and solemnity.<sup>15</sup> No act of the king's reign rendered him equally popular with his English subjects, and tended more to establish him on the throne. Though Matilda, during the life of her uncle and brothers, was not heir of the Saxon line, she was become very dear to the English on account of her connections with it; and that people, who, before the conquest, had fallen into a kind of indifference towards their ancient royal family, had felt so severely the tyranny of the Normans, that they reflected with extreme regret on their former liberty, and hoped for a more equal and mild administration, when the blood of their native princes should be mingled with that of their new sovereigns.<sup>16</sup>

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<sup>12</sup> ..... W. Malms, p. 225.]

<sup>13</sup> ..... Eadmer, p. 57.]

<sup>14</sup> ..... Eadmer p. 57.]

<sup>15</sup> ..... Hoveden, p. 468.]

But the policy and prudence of Henry, which, if time had been allowed for these virtues to produce their full effect, would have secured him possession of the crown, ran great hazard of being frustrated by the sudden appearance of Robert, who returned to Normandy about a month after the death of his brother William.

He took possession, without opposition, of that duchy; and immediately made preparations for recovering England, of which, during his absence, he had, by Henry's intrigues, been so unjustly defrauded. The great fame which he had acquired in the East forwarded his pretensions, and the Norman barons, sensible of the consequences, expressed the same discontent at the separation of the duchy and kingdom, which had appeared on the accession of William. Robert de Belesme, earl of Shrewsbury and Arundel, William de Warrenne, earl of Surrey, Arnulf de Montgomery, Walter Giffard, Robert de Pontefract, Robert de Mallet, Yvo de Grentmesnil, and many others of the principal nobility,<sup>17</sup> invited Robert to make an attempt upon England, and promised on his landing to join him with all their forces.

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<sup>16</sup> Order. Vitalis, p. 785]

Even the seamen were affected with the general popularity of his name, and they carried over to him the greater part of a fleet which had been equipped to oppose his passage. Henry, in this extremity, began to be apprehensive for his life, as well as for his crown and had recourse to the superstition of the people, in order to oppose their sentiment of justice. He paid diligent court to Anselm, whose sanctity and wisdom he pretended to revere. He consulted him in all difficult emergencies; seemed to be governed by him in every measure; promised a strict regard to ecclesiastical privileges; professed a great attachment to Rome, and a resolution of persevering in an implicit obedience to the decrees of councils, and to the will of the sovereign pontiff. By these caresses and declarations he entirely gained the confidence of the primate, whose influence over the people, and authority with the barons, were of the utmost service to him in his present situation. Anselm scrupled not to assure the nobles of the king's sincerity in those professions which he made, of avoiding the tyrannical and oppressive government of his father and brother: he even rode through the ranks of the army, recommended to the soldiers the defence of their prince, represented the duty of keeping their oaths of allegiance, and prognosticated to them the greatest happiness from the government of so wise and just a sovereign. By this



expedient, joined to the influence of the earls of Warwick and Mellent, of Roger Bigod, Richard de Redvers, and Robert Fitz-Hamon, powerful barons, who still adhered to the present government, the army was retained in the king's interests, and marched, with seeming union and firmness, to oppose Robert, who had landed with his forces at Portsmouth.

The two armies lay in sight of each other for some days without coming to action; and both princes, being apprehensive of the event, which would probably be decisive, hearkened the more willingly to the counsels of Anselm and the other great men, who mediated an accommodation between them. After employing some negotiation, it was agreed, that Robert should resign his pretensions to England, and receive, in lieu of them, an annual pension of three thousand marks; that, if either of the princes died without issue, the other should succeed to his dominions; that the adherents of each should be pardoned, and restored to all their possessions either in Normandy or England; and that neither Robert nor Henry should thenceforth encourage, receive, or protect the enemies of the other.<sup>18</sup>.....

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<sup>17</sup> Chron. Sax. p. 209. W. Malms, p. 156.]

This treaty, though calculated so much for Henry's advantage, he <sup>1102</sup> was the first to violate. He restored indeed the estates of all Robert's adherents; but was secretly determined, that noblemen so powerful and so ill affected, who had both inclination and ability to disturb his government, should not long remain unmolested in their present opulence and grandeur. He began with the earl of Shrewsbury, who was watched for some time by spies, and then indicted on a charge, consisting of forty-five articles. This turbulent nobleman, knowing his own guilt, as well as the prejudices of his judges and the power of his prosecutor, had recourse to aims for defence; but being soon suppressed by the activity and address of Henry, he was banished the kingdom, and his great estate was confiscated. His ruin involved that of his two brothers, Arnulf de Montgomery, and Roger, earl of Lancaster. Soon after followed the prosecution and condemnation of Robert de Pontefract and Robert de Mallet, who had distinguished themselves among Robert's adherents. William de Warrenne

was the next victim; even William, earl of Cornwall, son of the earl of *1103*. Mortaigne, the king's uncle, having given matter of suspicion against him, lost all the vast acquisitions of his family in England. Though the usual violence and tyranny of the Norman barons afforded a plausible pretence for those prosecutions, and it is probable that none of the sentences pronounced against these noblemen was wholly iniquitous, men easily saw, or conjectured, that the chief part of their guilt was not the injustice or illegality of their conduct. Robert, enraged at the fate of his friends, imprudently ventured to come into England; and he remonstrated with his brother, in severe terms, against this breach of treaty; but met with so bad a reception, that he began to apprehend danger to his own liberty, and was glad to purchase an escape by resigning his pension.

The indiscretion of Robert soon exposed him to more fatal injuries. This prince, whose bravery and candor procured him respect while at a distance, had no sooner attained the possession of power and enjoyment of peace, than all the vigor of his mind relaxed; and he fell into contempt among those who approached his person, or were subjected to his authority. Alternately abandoned to dissolute pleasures and to womanish superstition, he was so remiss, both in the care of his treasure and the exercise of his government, that his servants pillaged his money with impunity, stole from him his very clothes, and proceeded thence to practise every species of extortion on his defenceless subjects. The barons, whom a severe administration alone could have restrained, gave way to their unbounded rapine upon their vassals, and inveterate animosities against each other; and all Normandy, during the reign of this benign prince, was become a scene of violence and depredation. The Normans at last, observing the regular government which Henry, notwithstanding his usurped title, had been able to establish in England, applied to him, that he might use his authority for the suppression of these disorders and they thereby afforded him a pretence for interposing in the affairs of Normandy. Instead of employing his mediation to render his brother's government respectable, or to redress the grievances of the Normans, he was only attentive to support his own partisans, and to increase their number by every art of bribery, intrigue, and insinuation. Having found, in a visit which he made to that duchy, that the nobility were more disposed to pay submission to him than to their legal sovereign, he collected, by

arbitrary extortions on England a great army and treasure, and returned next year to Normandy, in a situation to obtain, either by violence or corruption, the dominion of that province.

He took Baieux by storm, after an obstinate siege; he made himself <sup>1105.</sup> master of Caen, by the voluntary submission of the inhabitants; but being repulsed at Falaise, and obliged, by the winter season, to raise the siege, he returned into England; after giving assurances to his adherents, that he would persevere in supporting and protecting them.

Next year he opened the campaign with the siege of Tenchebray; and it <sup>1106.</sup> became evident, from his preparations and progress, that he intended to usurp the entire possession of Normandy. Robert was at last roused from his lethargy; and being supported by the earl of Mortaigne and Robert de Belesme, the king's inveterate enemies, he raised a considerable army, and approached his brother's camp, with a view of finishing, in one decisive battle, the quarrel between them. He was now entered on that scene of action in which alone he was qualified to excel; and he so animated his troops by his example, that they threw the English into disorder, and had nearly obtained the victory,<sup>19</sup> when the flight of Belesme spread a panic among the Normans, and occasioned their total defeat. Henry, besides doing great execution on the enemy, made near ten thousand prisoners; among whom was Duke Robert himself, and all the most considerable barons, who adhered to his interests.<sup>20</sup>

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<sup>18</sup> H. Hunting, p. 379. M. Paris, p. 48. Brompton, p. 1002.]

<sup>19</sup> Eadmer, p. 90. Chron. Sax. p. 214. Order. Vitalis p. 821.]

This victory was followed by the final reduction of Normandy: Rouen immediately submitted to the conqueror: Falaise, after some negotiation, opened its gates; and by this acquisition, besides rendering himself master of an important fortress, he got into his hands Prince William, the only son of Robert: he assembled the states of Normandy; and having received the homage of all the vassals of the duchy, having settled the government, revoked his brother's donations, and dismantled the castles lately built, he returned into England and carried along with him the duke as prisoner.

That unfortunate prince was detained in custody during the remainder of his life, which was no less than twenty-eight years, and he died in the castle of Cardiff in Glamorganshire; happy, if, without losing his liberty, he could have relinquished that power which he was not qualified either to hold or exercise. Prince William was committed to the care of Helie de St. Saen, who had married Robert's natural daughter, and who, being a man of probity and honor, beyond what was usual in those ages, executed the trust with great affection and fidelity, Edgar Atheling, who had followed Robert in the expedition to Jerusalem, and who had lived with him ever since in Normandy, was another illustrious prisoner taken in the battle of Tenchebray.<sup>21</sup> Henry gave him his liberty, and settled a small pension on him, with which he retired; and he lived to a good old age in England, totally neglected and forgotten. This prince was distinguished by personal bravery; but nothing can be a stronger proof of his mean talents in every other respect, than that, notwithstanding he possessed the affections of the English, and enjoyed the only legal title to the throne, he was allowed, during the reigns of so many violent and jealous usurpers, to live unmolested, and go to his grave in peace.

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<sup>20</sup> Chron. Sax. p. 214. Annal. Waverl. p. 144]

A little after Henry had completed the conquest of Normandy, and <sup>1107</sup> settled the government of that province, he finished a controversy which had been long depending between him and the pope, with regard to the investitures in ecclesiastical benefices; and though he was here obliged to relinquish some of the ancient rights of the crown, he extricated himself from the difficulty on easier terms than most princes, who in that age were so unhappy as to be engaged in disputes with the apostolic see. The king's situation in the beginning of his reign, obliged him to pay great court to Anselm: the advantages which he had reaped from the zealous friendship of that prelate, had made him sensible how prone the minds of his people were to superstition, and what an ascendant the ecclesiastics had been able to assume over them. He had seen, on the accession of his brother Rufus, that though the rights of primogeniture were then violated, and the inclinations of almost all the barons thwarted, yet the authority of

Lanfranc, the primate, had prevailed over all other considerations: his own case, which was still more unfavorable, afforded an instance in which the clergy had more evidently shown their influence and authority. These recent examples, while they made him cautious not to offend that powerful body, convinced him, at the same time, that it was extremely his interest to retain the former prerogative of the crown in filling offices of such vast importance, and to check the ecclesiastics in that independence to which they visibly aspired. The choice which his brother, in a fit of penitence, had made of Anselm, was so far unfortunate to the king's pretensions, that this prelate was celebrated for his piety and zeal, and austerity of manners; and though his monkish devotion and narrow principles prognosticated no great knowledge of the world or depth of policy, he was, on that very account, a more dangerous instrument in the hands of politicians, and retained a greater ascendant over the bigoted populace. The prudence and temper of the king appear in nothing more conspicuous than in the management of this delicate affair; where he was always sensible that it had become necessary for him to risk his whole crown, in order to preserve the most invaluable jewel of it.<sup>22</sup>

Anselm had no sooner returned from banishment, than his refusal to do homage to the king raised a dispute, which Henry evaded at that critical juncture, by promising to send a messenger, in order to compound the matter with Pascal II, who then filled the papal throne. The messenger, as was probably foreseen, returned with an absolute refusal of the king's demands;<sup>23</sup> and that fortified by many reasons which were well qualified to operate on the understandings of men in those ages. Pascal quoted the Scriptures to prove that Christ was the door; and he thence inferred that all ecclesiastics must enter into the church through Christ alone, not through the civil magistrate, or any profane laymen.<sup>24</sup>

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<sup>21</sup> Eadmer, p. 56.]

<sup>22</sup> W Malms, p. 225]

<sup>23</sup> Eadmer, p. 60. This topic is further enforced in p. 73, 74. See also W. Malms, p. 163.]

“It is monstrous,” added the pontiff, “that a son should pretend to beget his father, or a man to create his God: priests are called gods in Scripture, as being the vicars of God; and will you, by your abominable pretensions to grant them their investiture, assume the right of creating them?”<sup>25</sup>

But how convincing soever these arguments, they could not persuade Henry to resign so important a prerogative; and perhaps, as he was possessed of great reflection and learning, he thought that the absurdity of a man’s creating his God, even allowing priests to be gods, was not urged with the best grace by the Roman pontiff. But as he desired still to avoid, at least to delay, the coming to any dangerous extremity with the church, he persuaded Anselm that he should be able, by further negotiation, to attain some composition with Pascal; and for that purpose he despatched three bishops to Rome, while Anselm sent two messengers of his own, to be more fully assured of the pope’s intentions.<sup>26</sup> Pascal wrote back letters equally positive and arrogant, both to the king and primate, urging to the former that, by assuming the right of investitures, he committed a kind of spiritual adultery with the church, who was the spouse of Christ, and who must not admit of such a commerce with any other person;<sup>27</sup> and insisting with the latter, that the pretension of kings to confer benefices was the source of all simony; a topic which had but too much foundation in those ages.<sup>28</sup>

Henry had now no other expedient than to suppress the letter addressed to himself, and to persuade the three bishops to prevaricate, and assert, upon their episcopal faith, that Pascal had assured them in private of his good intentions towards Henry, and of his resolution not to resent any future exertion of his prerogative in granting investitures, though he himself scrupled to give this assurance under his hand, lest other princes should copy the example and assume a like privilege.<sup>29</sup>

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<sup>24</sup> Eadmer, p. 61. I much suspect that this text of Scripture is a forgery of his holiness; for I have not been able to find it. Yet it passed current in those ages, and was often quoted by the clergy as the foundation of their power. See Epist. St. Thorn, p. 169.]

<sup>25</sup> Eadmer, p. 62. W. Malms, p. 225.]

<sup>26</sup> Eadmer, p. 63]

Anselm's two messengers, who were monks, affirmed to him that it was impossible this story could have any foundation; but their word was not deemed equal to that of three bishops; and the king, as if he had finally gained his cause, proceeded to fill the sees of Hereford and Salisbury, and to invest the new bishops in the usual manner.<sup>30</sup> But Anselm, who, as he had good reason, gave no credit to the asseveration of the king's messengers, refused not only to consecrate them, but even to communicate with them; and the bishops themselves, finding how odious they were become, returned to Henry the ensigns of their dignity. The quarrel every day increased between the king and the primate. The former, notwithstanding the prudence and moderation of his temper, threw out menaces against such as should pretend to oppose him in exerting the ancient prerogatives of his crown; and Anselm, sensible of his own dangerous situation, desired leave to make a journey to Rome, in order to lay the case before the sovereign pontiff. Henry, well pleased to rid himself without violence of so inflexible an antagonist, readily granted him permission. The prelate was attended to the shore by infinite multitudes, not only of monks and clergymen, but people of all ranks, who scrupled not in this manner to declare for their primate against their sovereign, and who regarded his departure as the final abolition of religion and true piety in the kingdom.<sup>31</sup> The king, however, seized all the revenues of his see; and sent William de Warelwast to negotiate with Pascal, and to find some means of accommodation in this delicate affair.

The English minister told Pascal, that his master would rather lose his crown than part with the right of granting investitures. "And I," replied Pascal, "would rather lose my head than allow him to retain it."<sup>32</sup> Henry secretly prohibited Anselm from returning, unless he resolved to conform himself to the laws and usages of the kingdom; and the primate took up his residence at Lyons, in expectation that the king would at last be obliged to yield the point which was the present object of controversy between them. Soon after, he was permitted to return to his monastery at Bec, in Normandy; and Henry, besides restoring to him the revenues of his see,

treated him with the greatest respect, and held several conferences with him, in order to soften his opposition, and bend him to submission.<sup>33</sup>

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<sup>28</sup> Eadmer, p. 66. W. Malms, p. 225. Hoveden, p. 469. Sim. Dunelm. p. 228.]

<sup>29</sup> Eadmer, p. 71.]

<sup>30</sup> Eadmer, p. 73 W. Malms, p. 226. M. Paris, p. 40]

<sup>31</sup> Hoveden, p. 471]

The people of England, who thought all differences now accommodated, were inclined to blame their primate for absenting, himself so long from his charge; and he daily received letters from his partisans representing the necessity of his speedy return. The total extinction, they told him, of religion and Christianity was likely to ensue from the want of his fatherly care: the most shocking customs prevail in England; and the dread of his severity being now removed, sodomy and the practice of wearing long hair gain ground among all ranks of men, and these enormities openly appear every where, without sense of shame or fear of punishment.<sup>34</sup>

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<sup>32</sup> Eadmer, p. 81.]

The policy of the court of Rome has commonly been much admired; and men, judging by success, have bestowed the highest eulogies on that prudence by which a power, from such slender beginnings, could advance, without force of arms, to establish a universal and almost absolute monarchy in Europe. But the wisdom of so long a succession of men who filled the papal throne, and who were of such different ages, tempers, and interests, is not intelligible, and could never have place in nature. The instrument, indeed, with which they wrought, the ignorance and superstition of the people, is so gross an engine, of such universal prevalence, and so little liable to accident or disorder, that it may be successful even in the most unskilful hands; and scarce any indiscretion can frustrate its operations. While the court of Rome was openly



abandoned to the most flagrant disorders, even while it was torn with schisms and factions, the power of the church daily made a sensible progress in Europe; and the temerity of Gregory and caution of Pascal were equally fortunate in promoting it. The clergy, feeling the necessity which they lay under of being protected against the violence of princes, or rigor of the laws, were well pleased to adhere to a foreign head, who, being removed from the fear of the civil authority, could freely employ the power of the whole church in defending her ancient or usurped properties and privileges, when invaded in any particular country. The monks, desirous of an independence on their diocesans, professed a still more devoted attachment to the triple crown; and the stupid people possessed no science or reason which they could oppose to the most exorbitant pretensions. Nonsense passed for demonstration: the most criminal means were sanctified by the piety of the end: treaties were not supposed to be binding, where the interests of God were concerned: the ancient laws and customs of states had no authority against a divine right: impudent forgeries were received as authentic monuments of antiquity: and the champions of holy church, if successful, were celebrated as heroes; if unfortunate, were worshipped as martyrs; and all events thus turned out equally to the advantage of clerical usurpations. Pascal himself, the reigning pope, was, in the course of this very controversy concerning investitures, involved in circumstances, and necessitated to follow a conduct which would have drawn disgrace and ruin on any temporal prince that had been so unfortunate as to fail into a like situation. His person was seized by the emperor Henry V., and he was obliged, by a formal treaty, to resign to that monarch the right of granting investitures, for which they had so long contended.<sup>35</sup> In order to add greater solemnity to this agreement, the emperor and pope communicated together on the same host; one half of which was given to the prince, the other taken by the pontiff. The most tremendous imprecations were publicly denounced on either of them who should violate the treaty; yet no sooner did Pascal recover his liberty, than he revoked all his concessions, and pronounced the sentence of excommunication against the emperor, who, in the end, was obliged to submit to the terms required of him, and to yield up all his pretensions, which he never could resume.<sup>36</sup>

The king of England had very nearly fallen into the same dangerous situation: Pascal had already excommunicated the earl of Mallet, and the other ministers of Henry who were instrumental in supporting his pretensions:<sup>37</sup> he daily menaced the king himself with a like sentence, and he suspended the blow only to give him leisure to prevent it by a timely submission. The malecontents waited impatiently for the opportunity of disturbing his government by conspiracies and insurrections:<sup>38</sup> the king's best friends were anxious at the prospect of an incident which would set their religious and civil duties at variance; and the countess of Blois, his sister, a princess of piety, who had great influence over him, was affrightened with the danger of her brother's eternal damnation.<sup>39</sup>

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<sup>33</sup> W. Malms, p. 167.]

<sup>34</sup> Padre Paolo, sopra Benef. Eccles. p. 112. W. Malms, p. 179 Chron. Abb St. Petri de Burgo, p. 63. Sim. Dunelm. p. 233.]

<sup>35</sup> Eadmer p. 79.]

<sup>36</sup> Eadmer, p. 80.]

Henry, on the other hand, seemed determined to run all hazards, rather than resign a prerogative of such importance, which had been enjoyed by all his predecessors; and it seemed probable from his great prudence and abilities, that he might be able to sustain his rights, and finally prevail in the contest. While Pascal and Henry thus stood mutually in awe; of each other, it was the more easy to bring about an accommodation between them, and to find a medium in which they might agree.

Before bishops took possession of their dignities, they had formerly been accustomed to pass through two ceremonies: they received from the hands of the sovereign a ring and crosier, as symbols of their office; and this was called their investiture: they also made those submissions to the prince which were required of vassals by the rites of the feudal law, and which received the name of homage. And as the king might refuse both to grant the investiture and to receive the homage, though the chapter had, by some canons of the middle age, been endowed with the right of election, the sovereign had in reality the sole power of appointing prelates. Urban

II. had equally deprived laymen of the rights of granting investiture and of receiving homage:<sup>40</sup> the emperors never were able, by all their wars and negotiations, to make any distinction be admitted between them: the interposition of profane laymen, in any particular, was still represented as impious and abominable; and the church openly aspired to a total independence on the state. But Henry had put England, as well as Normandy, in such a situation as gave greater weight to his negotiations, and Pascal was for the present satisfied with his resigning the right of granting investitures, by which the spiritual dignity was supposed to be conferred; and he allowed the bishops to do homage for their temporal properties and privileges.<sup>41</sup> The pontiff was well pleased to have made this acquisition, which, he hoped, would in time involve the whole; and the king, anxious to procure an escape from a very dangerous situation, was content to retain some, though a more precarious authority, in the election of prelates.

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<sup>37</sup> Eadmer, p. 91. W. Malms, p. 163. Sim. Dunelm. p. 230.]

<sup>38</sup> Eadmer, p. 91. W. Malms, p. 164. 227. Hoveden, p. 471, M. Paris, p. 43. T. Rudborne, p. 274. Brompton. p. 1000. Wilkins, p. 303, Chron. Dunst. p. 21.]

After the principal controversy was accommodated, it was not difficult to adjust the other differences. If the pope allowed Anselm to communicate with the prelates who had already received investitures from the crown; and he only required of them some submissions for their past misconduct.<sup>42</sup> He also granted Anselm a plenary power of remedying every other disorder, which, he said, might arise from the barbarousness of the country.<sup>43</sup> Such was the idea which the popes then entertained of the English; and nothing can be a stronger proof of the miserable ignorance in which that people were then plunged, than that, a man who sat on the papal throne, and who subsisted by absurdities and nonsense, should think himself entitled to treat them as barbarians.

During the course of these controversies, a synod was held at Westminster, where the king, intent only on the mam dispute, allowed some canons of less importance to be enacted, which tended to promote

the usurpations of the clergy. The celibacy of priests was enjoined; a point which it was still found very difficult to carry into execution; and even laymen were not allowed to marry within the seventh degree of affinity.<sup>44</sup> By this contrivance, the pope augmented the profits which he reaped from granting dispensations, and likewise those from divorces. For as the art of writing was then rare, and parish registers were not regularly kept, it was not easy to ascertain the degrees of affinity even among people of rank; and any man, who had money sufficient to pay for it, might obtain a divorce, on pretence that his wife was more nearly related to him than was permitted by the canons. The synod also passed a vote, prohibiting the laity from wearing long hair.<sup>45</sup> The aversion of the clergy to this mode was not confined to England. When the king went to Normandy, before he had conquered that province, the bishop of Seeze, in a formal harangue, earnestly exhorted him to redress the manifold disorders under which the government labored, and to oblige the people to poll their hair in a decent form. Henry, though he would not resign his prerogatives to the church willingly parted with his hair: he cut it in the form which they required of him, and obliged all the courtiers to imitate his example.<sup>46</sup>

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<sup>39</sup> Eadmer, p. 87.]

<sup>40</sup> Eadmer, p. 91.]

<sup>41</sup> Eadmer, p 67, 68. Spel. Concil. vol. ii. p. 22.]

<sup>42</sup> Eadmer, p 68. ]

The acquisition of Normandy was a great point of Henry's ambition; being the ancient patrimony of his family, and the only territory which, while in his possession, gave him any weight or consideration on the continent: but the injustice of his usurpation was the source of great inquietude, involved him in frequent wars, and obliged him to impose on his English subjects those many heavy and arbitrary taxes, of which all the historians of that age unanimously complain.<sup>47</sup> His nephew William was but six years of age when he committed him to the care of Helie de St. Saen; and it is probable that his reason for intrusting that important charge to a man of so

unblemished a character, was to prevent all malignant suspicions, in case any accident should befall the life of the young prince,

He soon repented of his choice; but when he desired to recover <sup>1110</sup>. possession of William's person, Helie withdrew his pupil, and carried him to the court of Fulk, count of Anjou, who gave him protection.<sup>48</sup>

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<sup>43</sup> Eadmer, p. 83. Chron. Sax. p. 211, 212, 213, 219, 220, 228. H Hunting. p. 380. Hoveden, p. 470. Aimal. Waverl. p. 143.]

<sup>44</sup> Ordei Vitalis, p 837.]

In proportion as the prince grew up to man's estate, he discovered virtues becoming his birth; and wandering through different courts of Europe, he excited the friendly compassion of many princes, and raised a general indignation against his uncle, who had so unjustly bereaved him of his inheritance. Lewis the Gross son of Philip, was at this time king of France, a brave and generous prince, who, having been obliged, during the lifetime of his father, to fly into England, in order to escape the persecutions of his step-mother Gertrude, had been protected by Henry, and had thence conceived a personal friendship for him. But these ties were soon dissolved after the accession of Lewis, who found his interests to be, in so many particulars opposite to those of the English monarch, and who became sensible of the danger attending the annexation of Normandy to England. He joined, therefore, the counts of Anjou and Flanders in giving disquiet to Henry's government; and this monarch, in order to defend his foreign dominions, found himself obliged to go over to Normandy, where he resided two years. The war which ensued among those princes was attended with no memorable event, and produced only slight skirmishes on the frontiers, agreeably to the weak condition of the sovereigns in that age, whenever their subjects were not roused by some great and urgent occasion. Henry, by contracting his eldest son, William, to the daughter of Fulk, detached that prince from the alliance, and obliged the others to come to an accommodation with him. This peace was not of long duration. His nephew William retired to the court of Baldwin, earl of Flanders, who espoused his cause; and the king of France, having soon after, for other

reasons, joined the party, a new war was kindled in Normandy, which produced no event more memorable than had attended the former.

At last the death of Baldwin, who was slain in an action near Eu, gave <sup>1118</sup> some respite to Henry, and enabled him to carry on war with more advantage against his enemies.

Lewis, finding himself unable to wrest Normandy from the king by force of arms, had recourse to the dangerous expedient of applying to the spiritual power, and of affording the ecclesiastics a pretence to interpose in the temporal concerns of princes.

He carried young William to a general council, which was assembled at <sup>1019</sup> Rheims, by Pope Calixtus II., presented the Norman prince to them, complained of the manifest usurpation and injustice of Henry, craved the assistance of the church for reinstating the true heir in his dominions, and represented the enormity of detaining in captivity so brave a prince as Robert, one of the most eminent champions of the cross, and who, by that very quality, was placed under the immediate protection of the holy see. Henry knew how to defend the rights of his crown with vigor, and yet with dexterity. He had sent over the English bishops to this synod; but at the same time had warned them, that, if any further claims were started by the pope or the ecclesiastics, he was determined to adhere to the laws and customs of England and maintain the prerogatives transmitted to him by his predecessors. "Go," said he to them, "salute the pope in my name; hear his apostolical precepts; but take care to bring none of his new inventions into my kingdom." Finding, however, that it would be easier for him to elude than oppose the efforts of Calixtus, he gave his ambassadors orders to gain the pope and his favorites by liberal presents and promises. The complaints of the Norman prince were thenceforth heard with great coldness by the council; and Calixtus confessed, after a conference which he had the same sunaaier with Henry, and when that prince probably renewed his presents, that, of all men whom he had ever yet been acquainted with, he was, beyond comparison, the most eloquent and persuasive.

The warlike measures of Lewis proved as ineffectual as his intrigues. He had laid a scheme for surprising Noyon; but Henry, having received intelligence of the design, marched to the relief of the place, and suddenly

attacked the French at Brenneville, as they were advancing towards it. A sharp conflict ensued, where Prince William behaved with great bravery, and the king himself was in the most imminent danger. He was wounded in the head by Crispin, a gallant Norman officer, who had followed the fortunes of William;<sup>49</sup> but being rather animated than terrified by the blow, he immediately beat his antagonist to the ground, and so encouraged his troops by the example, that they put the French to total rout, and had very nearly taken their king prisoner. The dignity of the persons engaged in this skirmish rendered it the most memorable action of the war; for in other respects it was not of great importance. There were nine hundred horsemen who fought on both sides, yet were there only two persons slain. The rest were defended by that heavy armor worn by the cavalry in those times.<sup>50</sup> An accommodation soon after ensued between the kings of France and England, and the interests of young William were entirely neglected in it.

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<sup>45</sup> H. Hunting, p. 381. M. Paris, p 47. Diceto, p. 503.]

<sup>46</sup> Order. Vitalis, p. 854.]

But this public prosperity of Henry was much overbalanced by a *1120*. domestic calamity, which befell him. His only son, William, had now reached his eighteenth year; and the king, from the facility with which he himself had usurped the crown, dreading that a like revolution might subvert his family, had taken care to have him recognized successor by the states of the kingdom, and had carried him over to Normandy, that he might receive the homage of the barons of that duchy. The king, on his return, set sail from Barfleur, and was soon carried by a fair wind out of sight of land. The prince was detained by some accident; and his sailors, as well as their captain, Thomas Fitz-Stephens, having spent me interval in drinking, were so flustered, that, being in a hurry to follow the king, they heedlessly carried the ship on a rock, where she immediately foundered. William was put into the long boat, and had got clear of the ship, when, hearing the cries of his natural sister, the countess of Perche, he ordered the seamen to row back, in hopes of saving her: but the numbers who then

crowded in, soon sunk the boat; and the prince with all his retinue perished. Above a hundred and forty young noblemen, of the principal families of England and Normandy, were lost on this occasion. A butcher of Rouen was the only person on board who escaped:<sup>51</sup> he clung to the mast, and was taken up next morning by fishermen. Fitz-Stephens also took hold of the mast; but being informed by the butcher that Prince William had perished, he said that he would not survive the disaster; and he threw himself headlong into the sea.<sup>52</sup> Henry entertained hopes for three days that his son had put into some distant port of England; but when certain intelligence of the calamity was brought him, he fainted away; and it was remarked, that he never after was seen to smile, nor ever recovered his wonted cheerfulness.<sup>53</sup>

The death of William may be regarded, in one respect, as a misfortune to the English; because it was the immediate source of those civil wars which, after the demise of the king, caused such confusion in the kingdom; but it is remarkable, that the young prince had entertained a violent aversion to the natives; and had been heard to threaten, that when he should be king he would make them draw the plough, and would turn them into beasts of burden. These prepossessions he inherited from his father; who, though he was wont, when it might serve his purpose, to value himself on his birth, as a native of England,<sup>54</sup> showed, in the course of his government, an extreme prejudice against that people. All hopes of preferment to ecclesiastical as well as civil dignities were denied them during this whole reign; and any foreigner, however ignorant or worthless, was sure to have the preference in every competition.<sup>55</sup> As the English had given no disturbance to the government during the course of fifty years, this inveterate antipathy in a prince of so much temper as well as penetration, forms a presumption that the English of that age were still a rude and barbarous people even compared to the Normans, and impresses us with no very favorable idea of the Anglo-Saxon manners.

Prince William left no children; and the king had not now any legitimate issue, except one daughter, Matilda, whom, in 1110, he had betrothed, though only eight years of age,<sup>56</sup> to the emperor Henry V., and whom he had then sent over to be educated in Germany.<sup>57</sup>



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<sup>47</sup> Sim. Dunelm. p. 242. Alured. Beverl. p. 148.]

<sup>48</sup> Order. Vitalis, p. 868.]

<sup>49</sup> Hoveden, p. 476. Order. Vitalis, p. 869.]

<sup>50</sup> Gul. Neubr. lib. i. cap, 3.]

<sup>51</sup> Chron, Sax. p. 215. W. Malms, p. 166. Order. Vitalis, p 83]

<sup>52</sup> Henry, by the feudal customs, was entitled to levy a tax for the marrying of his eldest daughter, and he exacted three shillings a hide on all England. H. Hunting, p. 379. Some historians (Brady, p. 270, and Tyrrel, vol. ii. p. 182) heedlessly make this sum amount to above eight hundred thousand pounds of our present money; but it could not exceed one hundred and thirty-five thousand. Five hides, sometimes less, made a knight's fee, of which there were about sixty thousand in England, consequently near three hundred thousand hides; and at the rate of three shillings a hide, the sum would amount to forty-five thousand pounds, or one hundred and thirty-five thousand of our present money. See Rudborne, p. 257. In the Saxon times there were only computed two hundred and forty-three thousand six hundred hides in England.]

But as her absence from the kingdom, and her marriage into a foreign family, might endanger the succession, Henry, who was now a widower, was induced to marry, in hopes of having male heirs; and he made his addresses to Adelais, daughter of Godfrey, duke of Lovainc, and niece of Pope Calixtus, a young princess of an amiable person.<sup>58</sup>

But Adelais brought him no children; and the prince who was most <sup>1121.</sup> likely to dispute the succession, and even the immediate possession of the crown, recovered hopes of subverting his rival, who had successively seized all his patrimonial dominions. William, the son of Duke Robert, was still protected in the French court; and as Henry's connections with the count of Anjou were broken off by the death of his son, Fulk joined the party of the unfortunate prince, gave him his daughter in marriage, and aided him in raising disturbances in Normandy. But Henry found the means of drawing off the count of Anjou, by forming anew with him a nearer connection than the former, and one more material to the interests of that count's family.

The emperor, his son-in-law, dying without issue, he bestowed his daughter on Geoffrey, the eldest son of Fulk, and endeavored to insure her succession, by having her recognized heir to all his dominions, and obliging the barons both of Normandy and England to swear fealty to her. He hoped that the choice of this husband would be more agreeable to all his subjects than that of the emperor; as securing them from the danger of falling under the dominion of a great and distant potentate, who might <sup>1128</sup> bring them into subjection, and reduce their country to the rank of a province; but the barons were displeased that a step so material to national interests had been taken without consulting them;<sup>59</sup> and Henry had too sensibly experienced the turbulence of their disposition not to dread the effects of their resentment.

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<sup>53</sup> Chron. Sax. p. 223. W. Malms, p. 165.]

<sup>54</sup> W. Malms, p. 175. The Annals of (Waverly p. 150) say that the king asked and obtained the consent of all the barons.]

It seemed probable that his nephew's party might gain force from the increase of the malecontents; an accession of power, which that prince acquired a little after, tended to render his pretensions still more dangerous. Charles, earl of Flanders, being assassinated during the celebration of divine service, King Lewis immediately put the young prince in possession of that county, to which he had pretensions in the right of his grandmother Matilda, wife to the Conqueror. But William survived a very little time this piece of good fortune, which seemed to open the way to still further prosperity. He was killed in a skirmish with the landgrave of Alsace, his competitor for Flanders; and his death put an end, for the present, to the jealousy and inquietude of Henry.

The chief merit of this monarch's government consists in the profound tranquillity which he established and maintained throughout all his dominions during the greater part of his reign. The mutinous barons were retained in subjection; and his neighbors, in every attempt which they made upon him, found him so well prepared that they were discouraged from continuing or renewing their enterprises. In order to

repress the incursions of the Welsh, he brought over some Flemings in the year 1111, and settled them in Pembrokeshire, where they long maintained a different language, and customs, and manners, from their neighbors. Though his government seems to have been arbitrary in England, it was judicious and prudent; and was as little oppressive as the necessity of his affairs would permit. He wanted not attention to the redress of grievances; and historians mention in particular the levying of purveyance, which he endeavored to moderate and restrain. The tenants in the king's demesne lands were at that time obliged to supply, gratis, the court with provisions, and to furnish carriages on the same hard terms, when the king made a progress, as he did frequently, into any of the counties. These exactions were so grievous, and levied in so licentious a manner, that the farmers, when they heard of the approach of the court, often deserted their houses, as if an enemy had invaded the country;<sup>60</sup> and sheltered their persons and families in the woods, from the insults of the king's retinue. Henry prohibited those enormities, and punished the persons guilty of them by cutting off their hands, legs, or other members.<sup>61</sup> But the prerogative was perpetual; the remedy applied by Henry was temporary; and the violence itself of this remedy, so far from giving security to the people, was only a proof of the ferocity of the government, and threatened a quick return of like abuses.

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<sup>55</sup> Eadmer, p. 94. Chron. Sax., p. 212.]

<sup>56</sup> Eadmer, p. 94.]

One great and difficult object of the king's prudence was the guarding against the encroachments of the court of Rome, and protecting the liberties of the church of England. The pope, in the year 1101, had sent Guy, archbishop of Vienne, as legate into Britain; and though he was the first that for many years had appeared there in that character, and his commission gave general surprise,<sup>62</sup> the king, who was then in the commencement of his reign, and was involved in many difficulties, was obliged to submit to this encroachment on his authority. But in the year 1116, Anselm, abbot of St. Sabas, who was coming over with a like

legantine commission, was prohibited from entering the kingdom;<sup>63</sup> and Pope Calixtus, who in his turn was then laboring under many difficulties, by reason of the pretensions of Gregory, an antipope, was obliged to promise that he never would for the future, except when solicited by the king himself, send any legate into England.<sup>64</sup> Notwithstanding this engagement, the pope, as soon as he had suppressed his antagonist, granted the cardinal De Crema a legantine commission over that kingdom; and the king, who, by reason of his nephew's intrigues and invasions, found himself at that time in a dangerous situation, was obliged to submit to the exercise of this commission.<sup>65</sup> A synod was called by the legate at London; where, among other canons, a vote passed enacting severe penalties on the marriages of the clergy.<sup>66</sup> The cardinal, in a public harangue, declared it to be an unpardonable enormity, that a priest should dare to consecrate and touch the body of Christ immediately after he had risen from the side of a strumpet; for that was the decent appellation which he gave to the wives of the clergy. But it happened, that the very next night the officers of justice, breaking into a disorderly house, found the cardinal in bed with a courtesan;<sup>67</sup> an incident which threw such ridicule upon him, that he immediately stole out of the kingdom; the synod broke up; and the canons against the marriage of clergymen were worse executed than ever.<sup>68</sup>

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<sup>57</sup> Eadmer, p. 58.]

<sup>58</sup> Hoveden, p. 474.]

<sup>59</sup> Eadmer, p. 125, 137, 138.]

<sup>60</sup> Chron. Sax. p. 229.]

<sup>61</sup> Hoveden, p. 478. M. Paris. p. 48.]

<sup>62</sup> M. West. ad ann 1125. H. Hunting. p. 382.]

It is remarkable that this last writer, who was a clergyman as well as the others, makes an apology for using such freedom with the fathers of the church; but says, that the fact was notorious, and ought not to be concealed.

Henry, in order to prevent this alternate revolution of concessions and encroachments, sent William, then archbishop of Canterbury, to remonstrate with the court of Rome against those abuses, and to assert the liberties of the English church. It was a usual maxim with every pope, when he found that he could not prevail in any pretension, to grant princes or states a power which they had always exercised, to resume at a proper juncture the claim which seemed to be resigned, and to pretend that the civil magistrate had possessed the authority only from a special indulgence of the Roman pontiff. After this manner, the pope, finding that the French nation would not admit his claim of granting investitures, had passed a bull, giving the king that authority; and he now practised a like invention to elude the complaints of the king of England. He made the archbishop of Canterbury his legate, renewed his commission from time to time, and still pretended that the rights which that prelate had ever exercised as metropolitan, were entirely derived from the indulgence of the apostolic see. The English princes, and Henry in particular, who were glad to avoid any immediate contest of so dangerous a nature, commonly acquiesced by their silence in these pretensions of the court of Rome.<sup>69</sup>.....

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<sup>63</sup> ..... The legates a latere, as they were called, were a kind of delegates, who possessed the full power of the pope in all the provinces committed to their charge, and were very busy in extending, as well as exercising it. They nominated to all vacant benefices, assembled synods, and were anxious to maintain ecclesiastical privileges, which never could be fully protected without encroachments on the civil power. If there were the least concurrence or opposition, it was always supposed that the civil power was to give way; every deed, which had the least pretence of holding of any thing spiritual, as marriages, testaments, promissory oaths, were brought into the spiritual court, and could not be canvassed before a civil magistrate. These were the established laws of the church; and where a legate was sent immediately from Rome, he was sure to maintain the papal claims with the utmost rigor; but it was an advantage to the king to have the archbishop of Canterbury appointed legate, because the connections of that prelate with the kingdom tended to moderate his measures. William of Newbridge, p. 383, (who is copied by later historians), asserts that Geoffrey had some title to the counties of Maine and Anjou. He pretends that Count Geoffrey, his father, had left his these dominions by a secret will, and had ordered that his body should not be buried till Henry should swear to the observance of it, which he, ignorant of the contents, was induced to do. But besides that this story is not very likely in itself, and savers of monkish fiction, it is found

in no other ancient writer, and is contradicted by some of them, particularly the monk of Marmoutier, who had better opportunities than Newbridge of knowing the truth. See Vita Gauf Duc. Norman, p. 103.]

As every thing in England remained in tranquillity, Henry took the <sup>1131.</sup> opportunity of paying a visit to Normandy, to which he was invited, as well by his affection for that country as by his tenderness for his daughter the empress Matilda, who was always his favorite. Some time after, that princess was delivered of a son, who received the name of Henry; and the king, further to insure her <sup>1132.</sup> succession, made all the nobility of England and Normandy renew the oath of fealty, which they had already sworn to her.<sup>70</sup> The joy of this event, and the <sup>1135.</sup> satisfaction which he reaped from his daughter's company, who bore successively two other sons, made his residence in Normandy very agreeable to him;<sup>71</sup> and he seemed determined to pass the remainder of his days in that country, when an incursion of the Welsh obliged him to think of returning into England. He was preparing for the journey, but was seized with a sudden illness at St. Dennis le Forment, from eating too plentifully of lampreys, a food which always agreed better with his palate than his constitution.<sup>72</sup>

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<sup>64</sup> W. Malms, p. 177.]

<sup>65</sup> H. Hunting, p. 315.]

<sup>66</sup> H. Hunting, p. 385. M. Paris p. 50.]

He died in the sixty-seventh year of his age and the thirty-fifth year of his reign, leaving by will his daughter Matilda heir of all his dominions, without making any mention of her husband, Geoffrey, who had given him several causes of displeasure.<sup>73</sup>

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<sup>67</sup> W. Malms, p. 178.]

This prince was one of the most accomplished that has filled the English throne, and possessed all the great qualities both of body and mind, natural and acquired, which could fit him for the high station to which he attained. His person was manly, his countenance engaging, his eyes clear serene, and penetrating. The affability of his address encouraged those who might be overawed by the sense of his dignity or of his wisdom; and though he often indulged his facetious humor, he knew how to temper it with discretion, and ever kept at a distance from all indecent familiarities with his courtiers. His superior eloquence and judgment would have given him an ascendant, even had he been born in a private station; and his personal bravery would have procured him respect, though it had been less supported by art and policy. By his great progress in literature, he acquired the name of 'Beauclerk,' or the scholar; but his application to those sedentary pursuits abated nothing of the activity and vigilance of his government; and though the learning of that age was better fitted to corrupt than improve the understanding, his natural good sense preserved itself untainted both from the pedantry and superstition which were then so prevalent among men of letters. His temper was susceptible of the sentiments as well of friendship as of resentment; and his ambition, though high, might be deemed moderate and reasonable, had not his conduct towards his brother and nephew showed that he was too much disposed to sacrifice to it all the maxims of justice and equity. But the total incapacity of Robert for government afforded his younger brother a reason or pretence for seizing the sceptre both of England and Normandy; and when violence and usurpation are once begun, necessity obliges a prince to continue in the same criminal course, and engages him in measures which his better judgment and sounder principles would otherwise have induced him to reject with warmth and indignation.

King Henry was much addicted to women; and historians mention no less than seven illegitimate sons and six daughters born to him.<sup>74</sup> Hunting was also one of his favorite amusements; and he exercised great rigor against those who encroached on the royal forests, which were augmented during his reign,<sup>75</sup> though their number and extent were already too great. To kill a stag was as criminal as to murder a man: he made all the dogs be mutilated which were kept on the borders of his forests; and he sometimes deprived his subjects of the liberty of hunting on their own lands, or even

cutting their own woods. In other respects he executed justice, and that with rigor; the best maxim which a prince in that age could follow. Stealing was first made capital in this reign;<sup>76</sup> false coining, which was then a very common crime, and by which the money had been extremely debased, was severely punished by Henry. Near fifty criminals of this kind were at one time hanged or mutilated; and though these punishments seem to have been exercised in a manner somewhat arbitrary, they were grateful to the people, more attentive to present advantages than jealous of general laws. There is a code which passes under the name of Henry I.; but the best antiquaries have agreed to think it spurious. It is, however, a very ancient compilation, and may be useful to instruct us in the manners and customs of the times. We learn from it, that a great distinction was then made between the English and Normans, much to the advantage of the latter. The deadly feuds and the liberty of private revenge, which had been avowed by the Saxon laws, were still continued, and were not yet wholly illegal.<sup>77</sup>

Among the laws granted on the king's accession, it is remarkable that the reunion of the civil and ecclesiastical courts, as in the Saxon times, was enacted.<sup>78</sup> But this law, like the articles of his charter, remained without effect, probably from the opposition of Archbishop Anselm.

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<sup>68</sup> Sim. Dunelm. p. 231. Brompton, p. 1000. Flor. Wigorn. p. 653 Hoveden, p. 471.]

<sup>69</sup> Sim. Dunelm. p. 231. Brompton, p. 1000. Hoveden, p. 471 Annal. Waverl. p. 149.]

<sup>70</sup> LL. Hen. I. sect. 18, 75.]

<sup>71</sup> LL. Hen. I. sect. 82.]

<sup>72</sup> Inst. 70.]

Henry, on his accession, granted a charter to London, which seems to have been the first step towards rendering that city a corporation. By this charter, the city was empowered to keep the farm of Middlesex at three hundred pounds a year, to elect its own sheriff and justiciary, and to bold pleas of the crown; and it was exempted from scot, danegelt, trials by



combat, and lodging the king's retinue These, with a confirmation of the privileges of their court of hustings, wardmotes, and common halls, and their liberty of hunting in Middlesex and Surrey, are the chief articles of this charter.<sup>79</sup>

It is said <sup>80</sup> that this prince, from indulgence to his tenants, changed the rents of his demesnes, which were formerly paid in kind, into money, which was more easily remitted to the exchequer. But the great scarcity of coin would render that commutation difficult to be executed, while at the same time provisions could not be sent to a distant quarter of the kingdom. This affords a probable reason why the ancient kings of England so frequently changed their place of abode: they carried their court from one place to another, that they might consume upon the spot the revenue of their several demesnes.

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<sup>73</sup> Lambardi *Archaionomia*, ex edit. Twisden. Wilkins, p. 385.]

<sup>74</sup> Dail. de Scaocario, lib. i. cap. 7.]



## **CHAPTER 7.**



**STEPHEN.**

## **CONTEMPORARY MONARCHS.**

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EMP. OF GERM K. OF SCOTLAND. K. OF FRANCE K. OF SPAIN. Lothaire II. 1138 David I. 1143 Louis VI. 1137 Alphonse VIII. Conrad III. 1152 Malcolm IV. Louis VII. Frederic I. Lucius II. 1145 POPES Innocent II. 1142 Celestin II. 1144 Eugenius III. 1153 Anastasius IV.

IN the progress and settlement of the feudal law, the male <sup>1135</sup>. succession to fiefs had taken place some time before the female was admitted; and estates, being considered as military benefices, not as property, were transmitted to such only as could serve in the armies, and perform in person the conditions upon which they were originally granted. But when the continuance of rights, during some generations, in the same family, had, in a great measure, obliterated the primitive idea, the females were gradually admitted to the possession of feudal property; and the same revolution of principles which procured them the inheritance of private estates, naturally introduced their succession to government and authority. The failure, therefore, of male heirs to the kingdom of England and duchy of Normandy, seemed to leave the succession open, without a rival, to the empress Matilda; and as Henry had made all his vassals in both states swear fealty to her, he presumed that they would not easily be induced to depart at once from her hereditary right, and from their own reiterated oaths and engagements. But the irregular manner in which he himself had acquired the crown might have instructed him, that neither his Norman nor English subjects were as yet capable of adhering to a strict rule of government; and as every precedent of this kind seems to give authority to new usurpations, he had reason to dread, even from his own family, some invasion of his daughter's title, which he had taken such pains to establish.

Adela, daughter of William the Conqueror, had been married to Stephen, count of Blois, and had brought him several sons; among whom Stephen and Henry, the two youngest, had been invited over to England by the late king and had received great honors, riches, and preferment, from the zealous friendship which that prince bore to every one that had been so fortunate as to acquire his favor and good opinion. Henry, who had

betaken himself to the ecclesiastical profession, was created abbot of Glastonbury and bishop of Winchester; and though these dignities were considerable, Stephen had, from his uncle's liberality, attained establishments still more solid and durable.<sup>1</sup> The king had married him to Matilda, who was daughter and heir of Eustace, count of Boulogne, and who brought him, besides that feudal sovereignty in France, an immense property in England, which, in the distribution of lands, had been conferred by the Conqueror on the family of Boulogne. Stephen also by this marriage acquired a new connection with the royal family of England, as Mary, his wife's mother, was sister to David, the reigning king of Scotland, and to Matilda, the first wife of Henry, and mother of the empress. The king, still imagining that he strengthened the interests of his family by the aggrandizement of Stephen, took pleasure in enriching him by the grant of new possessions; and he conferred on him the great estate forfeited by Robert Mallet in England, and that forfeited by the earl of Mortaigne in Normandy. Stephen, in return, professed great attachment to his uncle, and appeared so zealous for the succession of Matilda, that, when the barons swore fealty to that princess, he contended with Robert, earl of Gloucester, the king's natural son, who should first be admitted to give her this testimony of devoted zeal and fidelity.<sup>2</sup> Meanwhile he continued to cultivate, by every art of popularity, the friendship of the English nation; and many virtues with which he seemed to be endowed, favored the success of his intentions. By his bravery, activity, and vigor, he acquired the esteem of the barons; by his generosity, and by an affable and familiar address, unusual in that age among men of his high quality, he obtained the affections of the people, particularly of the Londoners.<sup>3</sup> And though he dared not to take any steps towards his further grandeur, lest he should expose himself to the jealousy of so penetrating a prince as Henry, he still hoped that, by accumulating riches and power, and by acquiring popularity, he might in time be able to open his way to the throne.

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<sup>1</sup> Gul. Neubr. p. 360. Brompton, p. 1023.]

<sup>2</sup> W. Malms, p. 192.]

<sup>3</sup> W. Malms, p. 179. Gest. Steph. p. 925.]

No sooner had Henry breathed his last, than Stephen, insensible to all the ties of gratitude and fidelity, and blind to danger, gave full reins to his criminal ambition; and trusted that, even without any previous intrigue, the celerity of his enterprise, and the boldness of his attempt, might overcome the weak attachment which the English and Normans in that age bore to the laws and to the rights of their sovereign. He hastened over to England, and though the citizens of Dover and those of Canterbury, apprised of his purpose, shut their gates against him, he stopped not till he arrived at London, where some of the lower rank, instigated by his emissaries, as well as moved by his general popularity, immediately saluted him king. His next point was to acquire the good will of the clergy; and by performing the ceremony of his coronation, to put himself in possession of the throne, from which he was confident it would not be easy afterwards to expel him. His brother, the bishop of Winchester, was useful to him in these capital articles; having gained Roger, bishop of Salisbury, who, though he owed a great fortune and advancement to the favor of the late king, preserved no sense of gratitude to that prince's family, he applied, in conjunction with that prelate, to William, archbishop of Canterbury, and required him, in virtue of his office, to give the royal unction to Stephen. The primate, who, as all the others, had sworn fealty to Matilda, refused to perform this ceremony; but his opposition was overcome by an expedient equally dishonorable with the other steps by which this revolution was effected. Hugh Bigod, steward of the household, made oath before the primate, that the late king, on his death-bed, had shown a dissatisfaction with his daughter Matilda, and had expressed his intention of leaving the count of Boulogne heir to all his dominions.<sup>4</sup> William, either believing or feigning to believe Bigod's testimony, anointed Stephen, and put the crown upon his head; and from this religious ceremony, that prince, without any shadow, either of hereditary title or consent of the nobility or people, was allowed to proceed to the exercise of sovereign authority. Very few barons attended his coronation;<sup>5</sup> but none opposed his usurpation, however unjust or flagrant.

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<sup>4</sup> M. Paris, p. 51. Diccto, p. 505 Chron. Durst. p. 23.]

<sup>5</sup> Brompton, p. 1023.]

The sentiment of religion which, if corrupted into superstition, has often little efficacy in fortifying the duties of civil society, was not affected by the multiplied oaths taken in favor of Matilda, and only rendered the people obedient to a prince who was countenanced by the clergy, and who had received from the primate the rite of royal unction and consecration.<sup>6</sup>

Stephen, that he might further secure his tottering throne passed a charter, in which he made liberal promises to all orders of men; to the clergy, that he would speedily fill all vacant benefices, and would never levy the rents of any of them during the vacancy; to the nobility, that he would reduce the royal forests to their ancient boundaries, and correct all encroachments; and to the people, that he would remit the tax of danegelt, and restore the laws of King Edward.<sup>7</sup> The late king had a great treasure at Winchester, amounting to a hundred thousand pounds; and Stephen, by seizing this money, immediately turned against Henry's family the precaution which that prince had employed for their grandeur and security; an event which naturally attends the policy of amassing treasures. By means of this money, the usurper insured the compliance, though not the attachment, of the principal clergy and nobility; but not trusting to this frail security, he invited over from the continent, particularly from Brittany and Flanders, great numbers of those bravoos, or disorderly soldiers, with whom every country in Europe, by reason of the general ill police and turbulent government, extremely abounded.<sup>8</sup> These mercenary troops guarded his throne by the terrors of the sword; and Stephen, that he might also overawe all malecontents by new and additional terrors of religion, procured a bull from Rome, which ratified his title, and which the pope, seeing this prince in possession of the throne, and pleased with an appeal to his authority in secular controversies, very readily granted him.<sup>9</sup>

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<sup>6</sup> Such stress was formerly laid on the right of coronation, that the monkish, writers never give any prince the title of king till he is crowned, though he had for some time been in possession of the crown, and exercised all the powers of sovereignty.]

<sup>7</sup> W. Malms, p. 179. Hoveden, p. 482.]

<sup>8</sup> W. Malms, p. 179.]

<sup>9</sup> Hagulstadt, p. 259, 313.]

Matilda and her husband Geoffrey were as unfortunate in 1136. Normandy as they had been in England. The Norman nobility, moved by an hereditary animosity against the Angevins, first applied to Theobold, count of Blois, Stephen's elder brother for protection and assistance; but hearing afterwards that Stephen had got possession of the English crown, and having, many of them, the same reasons as formerly for desiring a continuance of their union with that kingdom, they transferred their allegiance to Stephen, and put him in possession of their government. Lewis the younger, the reigning king of France, accepted the homage of Eustace, Stephen's eldest son, for the duchy; and the more to corroborate his connections with that family, he betrothed his sister Constantia to the young prince. The count of Blois assigned all his pretensions, and received in lieu of them an annual pension of two thousand marks; and Geoffrey himself was obliged to conclude a truce for two years with Stephen, on condition of the king's paying him, during that time, a pension of five thousand.<sup>10</sup> Stephen, who had taken a journey to Normandy, finished all these transactions in person, and soon after returned to England.

Robert, earl of Gloucester, natural son of the late king, was a man of honor and abilities; and as he was much attached to the interests of his sister Matilda, and zealous for the lineal succession, it was chiefly from his intrigues and resistance that the king had reason to dread a new revolution of government. This nobleman, who was in Normandy when he received intelligence of Stephen's accession, found himself much embarrassed concerning the measures which he should pursue in that difficult emergency. To swear allegiance to the usurper appeared to him dishonorable, and a breach of his oath to Matilda: to refuse giving this pledge of his fidelity was to banish himself from England, and be totally incapacitated from serving the royal family, or contributing to their restoration.<sup>11</sup> He offered Stephen to do him homage, and to take the oath of fealty; but with an express condition, that the king should maintain all his stipulations, and should never invade any of Robert's rights or dignities; and Stephen, though sensible that this reserve, so unusual in



itself, and so unbefitting the duty of a subject, was meant only to afford Robert a pretence for a revolt on the first favorable opportunity, was obliged by the numerous friends and retainers of that nobleman, to receive him on those terms.<sup>12</sup>

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<sup>10</sup> M. Paris, p. 52.]

<sup>11</sup> W. Malms, p. 170.]

<sup>12</sup> W. Malms, p. 179. M Paris, p. 51.]

The clergy, who could scarcely at this time be deemed subjects to the crown, imitated that dangerous example: they annexed to their oaths of allegiance this condition, that they were only bound so long as the king defended the ecclesiastical liberties, and supported the discipline of the church.<sup>13</sup> The barons, in return for their submission, exacted terms still more destructive of public peace, as well as of royal authority. Many of them required the right of fortifying their castles, and of putting themselves in a posture of defence; and the king found himself totally unable to refuse his consent to this exorbitant demand.<sup>14</sup> All England was immediately filled with those fortresses, which the noblemen garrisoned either with their vassals, or with licentious soldiers, who flocked to them from all quarters. Unbounded rapine was exercised upon the people for the maintenance of these troops; and private animosities, which had with difficulty been restrained by law, now breaking out without control, rendered England a scene of uninterrupted violence and devastation. Wars between the nobles were carried on with the utmost fury in every quarter; the barons even assumed the right of coining money, and of exercising, without appeal, every act of jurisdiction;<sup>15</sup> and the inferior gentry, as well as the people, finding no defence from the laws during this total dissolution of sovereign authority, were obliged, for their immediate safety, to pay court to some neighboring chieftain, and to purchase his protection, both by submitting to his exactions, and by assisting him in his rapine upon others. The erection of one castle proved the immediate cause of building many others; and even those who obtained not the king's permission, thought that they were entitled, by the great principle of self-

preservation, to put themselves on an equal footing with their neighbors, who commonly were also their enemies and rivals. The aristocratical power, which is usually so oppressive in the Feudal governments, had now risen to its utmost height, during the reign of a prince who, though endowed with vigor and abilities, had usurped the throne without the pretence of a title, and who was necessitated to tolerate in others the same violence to which he himself had been holden for his sovereignty.

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<sup>13</sup> W. Malms, p. 179.]

<sup>14</sup> W. Malms, p, 180]

<sup>15</sup> Trivet, p, 19 Gul Neub. p. 372. W. Heming. p. 487. Brompton, p. 1035.]

But Stephen was not of a disposition to submit long to these usurpations, without making some effort for the recovery of royal authority. Finding that the legal prerogatives of the crown were resisted and abridged, he was also tempted to make his power the sole measure of his conduct, and to violate all those concessions which he himself had made on his accession,<sup>16</sup> as well as the ancient privileges of his subjects. The mercenary soldiers, who chiefly supported his authority, having exhausted the royal treasure, subsisted by depredations; and every place was filled with the best grounded complaints against the government. The earl of Gloucester, having now settled with his friends the plan of an insurrection, retired beyond sea, sent the king a defiance, solemnly renounced his allegiance, and upbraided him with the breach of those conditions which had been annexed to the oath of fealty sworn by that nobleman.<sup>17</sup>

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<sup>16</sup> W. Malms, p. 180. M. Paris, p. 5 ]

<sup>17</sup> W. Malms, p. 180.]

David, king of Scotland, appeared at the head of an army in defence <sup>1137</sup>. of his niece's title, and penetrating into Yorkshire, committed the most barbarous devastations on that country.

The fury of his massacres and ravages enraged the northern nobility, who might otherwise have been inclined to join him; and William, earl of Albemarle, Robert de Ferrers, William Piercy, Robert de Brus, Roger Moubray, Ilbert Lacy, Walter l'Espee, powerful barons in those parts, assembled an army, with which they encamped at North Allerton, and awaited the arrival of the enemy. A great battle was here fought, called the battle of the Standard, from a high crucifix, erected by the English on a wagon, and carried along with the army as a military ensign. The king of Scots was defeated; and he himself, as well as his son Henry, narrowly escaped falling into the hands of the English. This success overawed the malecontents in England, and might have given some stability to Stephen's throne, had he not been so elated with prosperity as to engage in a controversy with the clergy, who were at that time an overmatch for any monarch.

Though the great power of the church, in ancient times, weakened the authority of the crown, and interrupted the course of the laws, it may be doubted whether, in ages of such violence and outrage, it was not rather advantageous that some limits were set to the power of the sword, both in the hands of the prince and nobles, and that men were taught to pay regard to some principles and privileges.

The chief misfortune was, that the prelates, on some occasions, acted <sup>1139</sup> entirely as barons, employed military power against their sovereign or their neighbors, and thereby often increased those disorders which it was their duty to repress. The bishop of Salisbury, in imitation of the nobility, had built two strong castles, one at Sherborne, another at the Devizes, and had laid the foundations of a third at Malmsbury: his nephew; Alexander, bishop of Lincoln, had erected a fortress at Newark; and Stephen, who was now sensible from experience of the mischiefs attending these multiplied; citadels, resolved to begin with destroying those of the clergy, who by their function seemed less entitled than the barons to such military securities.<sup>18</sup>..... Making pretence of a fray, which had arisen in court between the retinue of the bishop of Salisbury and that of the earl of Brittany, he seized both that prelate and the bishop of Lincoln, threw them into prison, and obliged them by menaces to deliver up those places of strength which they had lately erected.<sup>19</sup>.....

Henry, bishop of Winchester, the king's brother, being armed with a legantine commission, now conceived himself to be an ecclesiastical sovereign no less powerful than the civil; and forgetting the ties of blood which connected him with the king, he resolved to vindicate the clerical privileges which, he pretended, were here openly violated. He assembled a synod at Westminster, and there complained of the impiety of Stephen's measures, who had employed violence against the dignitaries of the church, and had not awaited the sentence of a spiritual court, by which alone, he affirmed, they could lawfully be tried and condemned, if their conduct had anywise merited censure or punishment.<sup>20</sup> The synod, ventured to send a summons to the king, charging him to appear before them, and to justify his measures;<sup>21</sup> and Stephen, instead of resenting this indignity, sent Aubrey de Vere to plead his cause before that assembly. De Vere accused; the two prelates of treason and sedition; but the synod refused, to try the cause, or examine their conduct, till those castles of which they had been dispossessed, were previously restored to them.<sup>22</sup> The bishop of Salisbury declared, that he would appeal to the pope; and had not Stephen and his partisans employed menaces, and even shown a disposition of executing violence by the hands of the soldiery, affairs had instantly come to extremity between the crown and the mitre.<sup>23</sup>

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<sup>18</sup> Gul. Neub. p. 362.]

<sup>19</sup> Chron. Sax. p. 238. W. Malms, p. 181]

<sup>20</sup> W. Malms p. 182.]

<sup>21</sup> W. Malms, p. 182. M. Paris, p. 53,]

<sup>22</sup> W. Malms p 183.]

While this quarrel, joined to so many other grievances, increased the discontents among the people, the empress, invited by the opportunity, and secretly encouraged by the legate himself, landed in England, with Robert, earl of Gloucester, and a retinue of a hundred and forty knights. She fixed her residence at Arundel Castle, whose gates were opened to her by Adelais, the queen dowager, now married to William de Albini, earl of

Sussex; and she excited, by messengers, her partisans to take arms in every county of England. Adelais, who had expected that her daughter-in-law would have invaded the kingdom with a much greater force, became apprehensive of danger; and Matilda, to ease her of her fears, removed first to Bristol, which belonged to her brother Robert, thence to Gloucester, where she remained under the protection of Milo, a gallant nobleman in those parts, who had embraced her cause. Soon after, Geoffrey Talbot, William Mohun, Ralph Lovell, William Fitz-John, William Fitz-Alan, Paganell, and many other barons, declared for her; and her party, which was generally favored in the kingdom, seemed every day to gain ground upon that of her antagonist.

Were we to relate all the military events transmitted to us by contemporary and authentic historians, it would be easy to swell our accounts of this reign into a large volume; but those incidents, so little memorable in themselves, and so confused both in time and place, could afford neither instruction nor entertainment to the reader. It suffices to say, that the war was spread into every quarter; and that those turbulent barons, who had already shaken off, in a great measure, the restraint of government, having now obtained the pretence of a public cause, carried on their devastations with redoubled fury, exercised implacable vengeance on each other, and set no bounds to their oppressions over the people. The castles of the nobility were become receptacles of licensed robbers, who, sallying forth day and night, committed spoil on the open country, on the villages, and even on the cities; put the captives to torture, in order to make them reveal their treasures; sold their persons to slavery; and set fire to their houses, after they had pillaged them of every thing valuable. The fierceness of their disposition, leading them to commit wanton destruction, frustrated their rapacity of its purpose; and the property and persons even of the ecclesiastics, generally so much revered, were at last, from necessity, exposed to the same outrage which had laid waste the rest of the kingdom. The land was left untilled; the instruments of husbandry were destroyed or abandoned; and a grievous famine, the natural result of those disorders, affected equally both parties, and reduced the spoilers, as well as the defenceless people, to the most extreme want and indigence.<sup>24</sup>

After several fruitless negotiations and treaties of peace, which <sup>1140.</sup> never interrupted these destructive hostilities, there happened at last an event which seemed to promise some end of the public calamities. Ralph, earl of Chester, and his half-brother, William de Roumara, partisans of Matilda, had surprised the Castle of Lincoln; but the citizens, who were better affected to Stephen, having invited him to their aid, that prince laid close siege to the castle, in hopes of soon rendering himself master of the place, either by assault or by famine. The earl of Gloucester hastened with an army to the relief of his friends; and Stephen, informed of his approach, took the field with a resolution of giving him battle.

After a violent shock, the two wings of the royalists were put to flight; <sup>1141.</sup> and Stephen himself, surrounded by the enemy, was at last, after exerting great efforts of valor, borne down by numbers and taken prisoner. He was conducted to Gloucester; and though at first treated with humanity, was soon after, on some suspicion, thrown into prison, and loaded with irons.

Stephen's party was entirely broken by the captivity of their leader, and the barons came in daily from all quarters, and did homage to Matilda. The princess, however, amidst all her prosperity, knew that she was not secure of success, unless she could gain the confidence of the clergy; and as the conduct of the legate had been of late very ambiguous, and showed his intentions to have rather aimed at humbling his brother, than totally ruining him, she employed every endeavor to fix him in her interests. She held a conference with him in an open plain near Winchester; where she promised upon oath, that if he would acknowledge her for sovereign, would recognize her title as the sole descendant of the late king, and would again submit to the allegiance which he, as well as the rest of the kingdom, had sworn to her, he should in return be entire master of the administration, and in particular should, at his pleasure, dispose of all vacant bishoprics and abbeys. Earl Robert, her brother, Brian Fitz-Count, Milo of Gloucester, and other great men, became guaranties for her observing these engagements;<sup>25</sup> and the prelate was at last induced to promise her allegiance, but that still burdened with the express condition,

that she should on her part fulfil her promises. He then conducted her to Winchester, led her in procession to the cathedral, and with great solemnity, in the presence of many bishops and abbots, denounced curses against all those who cursed her, poured out blessings on those who blessed her granted absolution to such as were obedient to her, and excommunicated such as were rebellious.<sup>26</sup> Theobald, archbishop of Canterbury, soon after came also to court, and swore allegiance to the empress.<sup>27</sup>

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<sup>24</sup> W. Malms, p. 187.]

<sup>25</sup> Chron. Sax. p 242. Contin. Flor. Wigorn. p. 676]

<sup>26</sup> W. Malms, p. 187.]

Matilda, that she might further insure the attachment of the clergy, was willing to receive the crown from their hands; and instead of assembling the states of the kingdom, the measure which the constitution, had it been either fixed or regarded, seemed necessarily to require, she was content that the legate should summon an ecclesiastical synod, and that her title to the throne should there be acknowledged. The legate, addressing himself to the assembly, told them, that in the absence of the empress, Stephen, his brother, had been permitted to reign, and, previously to his ascending the throne, had seduced them by many fair promises, of honoring and exalting the church, of maintaining the laws, and of reforming all abuses; that it grieved him to observe how much that prince had in every particular been wanting to his engagements; public peace was interrupted, crimes were daily committed with impunity, bishops were thrown into prison and forced to surrender their possessions, abbeys were put to sale, churches were pillaged and the most enormous disorders prevailed in the administration; that he himself, in order to procure a redress of these grievances, had formerly summoned the king before a council of bishops; but instead of inducing him to amend his conduct, had rather offended him by that expedient; that, how much soever misguided, that prince was still his brother, and the object of his affections; but his interests, however, must be regarded as subordinate to those of their heavenly Father, who

had now rejected him, and thrown him into the hands of his enemies; that it principally belonged to the clergy to elect and ordain kings; he had summoned them together for that purpose; and having invoked the divine assistance, he now pronounced Matilda, the only descendant of Henry, their late sovereign, queen of England. The whole assembly, by their acclamations or silence, gave or seemed to give, their assent to this declaration.<sup>28</sup>

The only laymen summoned to this council, which decided the fate of the crown, were the Londoners; and even these were required not to give their opinion, but to submit to the decrees of the synod. The deputies of London, however, were not so passive; they insisted that their king should be delivered from prison; but were told by the legate, that it became not the Londoners, who were regarded as noblemen in England, to take part with those barons who had basely forsaken their lord in battle, and who had treated holy church with contumely. It is with reason that the citizens of London assumed so much authority, if it be true, what is related by Fitz-Stephen, a contemporary author, that that city should at this time bring into the field no less than eighty thousand combatants.<sup>29</sup>

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<sup>27</sup> W. Malms, p. 188. This author, a judicious man, was present, and says that he was very attentive to what passed. This speech therefore, may be regarded as entirely genuine.]

<sup>28</sup> Were this account to be depended on, London must at that time have contained near four hundred thousand inhabitants, which is above double the number it contained at the death of Queen Elizabeth. But these loose calculations, or rather guesses, deserve very little credit. Peter of Blois, a contemporary writer, and a man of sense, says there were then only forty thousand inhabitants in London, which is much more likely. See epist. 151. What Fitz-Stephen says of the prodigious riches, splendor, and commerce of London, proves only the great poverty of the other towns of the kingdoms and indeed of all the northern parts of Europe.]

London, notwithstanding its great power, and its attachment to Stephen, was at length obliged to submit to Matilda; and her authority, by the prudent conduct of Earl Robert, seemed to be established over the whole kingdom; but affairs remained not long in this situation. That princess,



besides the disadvantages of her sex, which weakened her influence over a turbulent and martial people, was of a passionate, imperious spirit, and knew not how to temper with affability the harshness of a refusal. Stephen's queen, seconded by many of the nobility, petitioned for the liberty of her husband; and offered, that, on this condition, he should renounce the crown, and retire into a convent. The legate desired that Prince Eustace, his nephew, might inherit Boulogne and the other patrimonial estates of his father.<sup>30</sup> The Londoners applied for the establishment of King Edward's laws, instead of those of King Henry, which, they said, were grievous and oppressive.<sup>31</sup> All these petitions were rejected in the most haughty and peremptory manner.

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<sup>29</sup> Brompton, p. 1031.]

<sup>30</sup> Contin. Flor. Wigorn. p. 677. Gervase, p.1855]

The legate, who had probably never been sincere in his compliance with Matilda's government, availed himself of the ill humor excited by this imperious conduct, and secretly instigated the Londoners to a revolt. A conspiracy was entered into to seize the person of the empress, and she saved herself from the danger by a precipitate retreat. She fled to Oxford: soon after she went to Winchester, whither the legate, desirous to save appearances, and watching the opportunity to ruin her cause, had retired. But having assembled all his retainers, he openly joined his force to that of the Londoners, and to Stephen's mercenary troops, who had not yet evacuated the kingdom; and he besieged Matilda in Winchester. The princess, being hard pressed by famine, made her escape; but in the flight, Earl Robert, her brother, fell into the hands of the enemy. This nobleman, though a subject, was as much the life and soul of his own party, as Stephen was of the other: and the empress, sensible of his merit and importance, consented to exchange the prisoners on equal terms. The civil war was again kindled with greater fury than ever.

Earl Robert, finding the successes on both sides nearly balanced, went <sup>1142</sup> over to Normandy, which, during Stephen's captivity, had submitted to the earl of Anjou; and he persuaded Geoffrey to allow his eldest son, Henry, a

young prince of great hopes, to take a journey into England, and appear at the head of his partisans.

This expedient, however, produced nothing decisive. Stephen took <sup>1143.</sup> Oxford after a long siege: he was defeated by Earl Robert at Wilton; and the empress, though of a masculine spirit, yet being harassed with a variety of good and bad fortune, and alarmed with continual dangers to her person and family, at last retired into Normandy,

whither she had sent her son some time before. The death of her <sup>1146.</sup> brother, which happened nearly about the same time, would have proved fatal to her interests, had not some incidents occurred which checked the course of Stephen's prosperity. This prince, finding that the castles built by the noblemen of his own party encouraged the spirit of independence, and were little less dangerous than those which remained in the hands of the enemy, endeavored to extort from them a surrender of those fortresses and he alienated the affections of many of them by this equitable demand. The artillery, also, of the church, which his brother had brought over to his side, had, after some interval, joined the other party. Eugenius III. had mounted the papal throne; the bishop of Winchester was deprived of the legantine commission, which was conferred on Theobald, archbishop of Canterbury, the enemy and rival of the former legate. That pontiff, also, having summoned a general council at Rheims, in Champagne, instead of allowing the church of England, as had been usual, to elect its own deputies, nominated five English bishops to represent that church, and required their attendance in the council. Stephen, who, notwithstanding his present difficulties, was jealous of the rights of his crown, refused them permission to attend;<sup>32</sup> and the pope, sensible of his advantage in contending with a prince who reigned by a disputed title, took revenge by laying all Stephen's party under an interdict.<sup>33</sup>

The discontents of the royalists at being thrown into this situation, were <sup>1147.</sup> augmented by a comparison with Matilda's party, who enjoyed all the benefits of the sacred ordinances; and Stephen was at last obliged, by making proper submissions to the see of Rome, to remove the reproach from his party.<sup>34</sup>

The weakness of both sides, rather than any decrease of mutual <sup>1148.</sup> animosity, having produced a tacit cessation of arms in England, many of

the nobility, Roger de Moubray, William de Warrenne, and others, finding no opportunity to exert their military ardor at home, enlisted themselves in a new crusade, which, with surprising success after former disappointments and misfortunes, was now preached by St. Barnard.<sup>35</sup> But an event soon after happened which threatened a revival of hostilities in England. Prince Henry, who had reached his sixteenth year, was desirous of receiving the honor of knighthood; a ceremony which every gentleman in that age passed through before he was admitted to the use of arms, and which was even deemed requisite for the greatest princes.

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<sup>31</sup> Epist. St. Thom, p. 225.]

<sup>32</sup> Chron. W. Thom, p. 1807.]

<sup>33</sup> Epist. St. Thom, p. 226.]

<sup>34</sup> Hagulstadt, p. 275, 276.]

He intended to receive his admission from his great-uncle, David, king of Scotland; and for that purpose he passed through England with a great retinue, and was attended by the most considerable of his partisans. He remained some time with the king of Scotland, made incursions into England, and by his dexterity and vigor in all manly exercises, by his valor in war, and his prudent conduct in every occurrence, he roused the hopes of his party, and gave symptoms of those great qualities which he afterwards displayed when he mounted the throne of England.

Soon after his return to Normandy, he was, by Matilda's consent, <sup>1150</sup>. invested in that duchy, and upon the death of his father Geoffrey, which happened in the subsequent year, he took possession both of Anjou and Maine, and concluded a marriage which brought him a great accession of power, and rendered him extremely formidable to his rival. Eleanor, the daughter and heir of William, duke of Guienne, and earl of Poictou, had been married sixteen years to Lewis VII., king of France, and had attended him in a crusade which that monarch conducted against the infidels; but having there lost the affections of her husband, and even fallen under some suspicion of gallantry with a handsome Saracen, Lewis, more delicate than politic, procured a divorce from her, and restored her those

rich provinces, which, by her marriage, she had annexed to the crown of France. Young Henry, neither discouraged by the inequality of years, nor by the reports of Eleanor's gallantries, made successful courtship to that princess, and espousing her six weeks after her divorce, got possession of all her dominions as her dowry.

The lustre which he received from this acquisition, and the prospect of <sup>1152</sup> his rising fortune, had such an elect in England, that when Stephen, desirous to insure the crown to his son Eustace, required the archbishop of Canterbury to anoint that prince as his successor, the primate refused compliance, and made his escape beyond sea, to avoid the violence and resentment of Stephen.

Henry, informed of these dispositions in the people, made an invasion <sup>1153</sup> on England: having gained some advantage over Stephen at Malmsbury, and having taken that place, he proceeded thence to throw succors into Wallingford, which the king had advanced with a superior army to besiege. A decisive action was every day expected, when the great men of both sides, terrified at the prospect of further bloodshed and confusion, interposed with their good offices, and set on foot a negotiation between the rival princes, The death of Eustace, during the course of the treaty, facilitated its conclusion: an accommodation was settled, by which it was agreed that Stephen should possess the crown during his lifetime, that justice should be administered in his name, even in the provinces which had submitted to Henry, and that this latter prince should, on Stephen's demise, succeed to the kingdom, and William, Stephen's son, to Boulogne and his patrimonial estate. After all the barons had sworn to the observance of this treaty, and done homage to Henry, as to the heir of the crown, that prince evacuated the kingdom; and the death of Stephen which happened next year, [October 25, 1154,] after a short illness, prevented all those quarrels and jealousies which were likely to have ensued in so delicate a situation.

England suffered great miseries during the reign of this prince: but his personal character, allowing for the temerity and injustice of his usurpation, appears not liable to any great exception; and he seems to have been well qualified, had he succeeded by a just title, to have promoted the happiness and prosperity of his subjects.<sup>36</sup> He was possessed

of industry, activity, and courage, to a great degree; though not endowed with a sound judgment, he was not deficient in abilities; he had the talent of gaining men's affections, and notwithstanding his precarious situation, he never indulged himself in the exercise of any cruelty or revenge. His advancement to the throne procured him neither tranquillity nor happiness; and though the situation of England prevented the neighboring states from taking any durable advantage of her confusions, her intestine disorders were to the last degree ruinous and destructive. The court of Rome was also permitted, during those civil wars, to make further advances in her usurpations; and appeals to the pope, which had always been strictly prohibited by the English laws, became now common in every ecclesiastical controversy.

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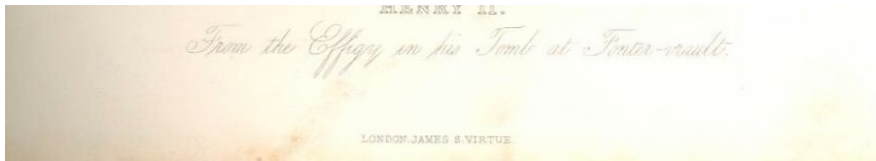
<sup>35</sup> ..... W. Malms, p. 180., M. Paris, p. 51 Hagul, p. 312., H. Hunting. p. 395.]



# CHAPTER 8.



The Murder of Thomas à Becket



## HENRY II.

The extensive confederacies, by which the European potentates are now <sup>1154</sup> at once united and set in opposition to each other, and which, though they are apt to diffuse the least spark of dissension throughout the whole, are at least attended with this advantage, that they prevent any violent revolutions or conquests in particular states, were totally unknown in ancient ages; and the theory of foreign politics in each kingdom formed a speculation much less complicated and involved than at present. Commerce had not yet bound together the most distant nations in so close a chain: wars, finished in one campaign, and often in one battle, were little affected by the movements of remote states: the imperfect communication among the kingdoms, and their ignorance of each other's situation, made it impracticable for a great number of them to combine in one object or effort: and above all, the turbulent spirit and independent situation of the barons or great vassals in each state, gave so much occupation to the sovereign, that he was obliged to confine his attention chiefly to his own state and his own system of government, and was more indifferent about what passed among his neighbors. Religion alone, not politics, carried abroad the views of princes, while it either fixed their thoughts on the Holy Land, whose conquest and defence was deemed a point of common honor and interest, or engaged them in intrigues with the Roman pontiff, to whom they had yielded the direction of ecclesiastical affairs, and who was every day assuming more authority than they were willing to allow him.

Before the conquest of England by the duke of Normandy, this island was as much separated from the rest of the world in politics as in situation; and except from the inroads of the Danish pirates, the English, happily confined at home, had neither enemies nor allies on the continent. The foreign dominions of William connected them with the king and great vassals of France; and while the opposite pretensions of the pope and emperor in Italy produced a continual intercourse between Germany and

that country, the two great monarchs of France and England formed, in another part of Europe, a separate system, and carried on their wars and negotiations, without meeting either with opposition or support from the others.

On the decline of the Carlovingian race, the nobles in every province of France, taking advantage of the weakness of the sovereign, and obliged to provide each for his own defence against the ravages of the Norman freebooters, had assumed, both in civil and military affairs, an authority almost independent, and had reduced within very narrow limits the prerogative of their princes. The accession of Hugh Capet, by annexing a great fief to the crown, had brought some addition to the royal dignity; but this fief, though considerable for a subject, appeared a narrow basis of power for a prince who was placed at the head of so great a community. The royal demesnes consisted only of Paris, Orleans, Estampes, Compiègne, and a few places scattered over the northern provinces: in the rest of the kingdom, the prince's authority was rather nominal than real: the vassals were accustomed, nay, entitled, to make war, without his permission, on each other: they were even entitled, if they conceived themselves injured, to turn their arms against their sovereign: they exercised all civil jurisdiction, without appeal, over their tenants and inferior vassals: their common jealousy of the crown easily united them against any attempt on their exorbitant privileges; and as some of them had attained the power and authority of great princes, even the smallest baron was sure of immediate and effectual protection. Besides six ecclesiastical peerages, which, with the other immunities of the church, cramped extremely the general execution of justice, there were six lay peerages, Burgundy, Normandy, Guienne, Flanders, Toulouse, and Champagne, which formed very extensive and puissant sovereignties. And though the combination of all those princes and barons could on urgent occasions, muster a mighty power, yet was it very difficult to set that great machine in movement; it was almost impossible to preserve harmony in its parts; a sense of common interest alone could, for a time, unite them under their sovereign against a common enemy; but if the king attempted to turn the force of the community against any mutinous vassal, the same sense of common interest made the others oppose themselves to the success of his pretensions. Lewis the Gross, the last sovereign, marched, at



one time, to his frontiers against the Germans at the head of an army of two hundred thousand men; but a petty lord of Corbeil, of Puiset, of Couci, was able, at another period, to set that prince at defiance, and to maintain open war against him.

The authority of the English monarch was much more extensive within his kingdom, and the disproportion much greater between him and the most powerful of his vassals. His demesnes and revenue were large, compared to the greatness of his state: he was accustomed to levy arbitrary exactions on his subjects: his courts of judicature extended their jurisdiction into every part of the kingdom: he could crush by his power, or by a judicial sentence, well or ill founded, any obnoxious baron: and though the feudal institutions, which prevailed in his kingdom, had the same tendency, as in other states, to exalt the aristocracy and depress the monarchy, it required in England, according to its present constitution, a great combination of the vassals to oppose their sovereign lord, and there had not hitherto arisen any baron so powerful, as of himself to levy war against the prince, and to afford protection to the inferior barons.

While such were the different situations of France and England, and the latter enjoyed so many advantages above the former, the accession of Henry II., a prince of great abilities, possessed of so many rich provinces on the continent, might appear an event dangerous, if not fatal to the French monarchy, and sufficient to break entirely the balance between the states. He was master, in the right of his father, of Anjou and Touraine; in that of his mother, of Normandy and Maine; in that of his wife, of Guienne, Poictou, Xaintonge, Auvergne, Perigord, Angoumois, the Limousin. He soon after annexed Brittany to his other states, and was already possessed of the superiority over that province, which, on the first cession of Normandy to Rollo the Dane, had been granted by Charles the Simple in vassalage to that formidable ravager. These provinces composed above a third of the whole French monarchy, and were much superior, in extent and opulence, to those territories which were subjected to the immediate jurisdiction and government of the king. The vassal was here more powerful than his liege lord: the situation which had enabled Hugh Capet to depose the Carlovingian princes, seemed to be renewed, and that with much greater advantages on the side of the vassal: and when England

was added to so many provinces, the French king had reason to apprehend, from this conjuncture, some great disaster to himself and to his family. But, in reality, it was this circumstance, which appeared so formidable, that saved the Capetian race, and, by its consequences, exalted them to that pitch of grandeur which they at present enjoy.

The limited authority of the prince in the feudal constitutions, prevented the king of England from employing with advantage the force of so many states which were subjected to his government; and these different members, disjoined in situation, and disagreeing in laws, language, and manners, were never thoroughly cemented into one monarchy. He soon became, both from his distant place of residence and from the incompatibility of interests, a kind of foreigner to his French dominions; and his subjects on the continent considered their allegiance as more naturally due to their superior lord, who lived in their neighborhood, and who was acknowledged to be the supreme head of their nation. He was always at hand to invade them; their immediate lord was often at too great a distance to protect them; and any disorder in any part of his dispersed dominions gave advantages against him. The other powerful vassals of the French crown were rather pleased to see the expulsion of the English, and were not affected with that jealousy which would have arisen from the oppression of a co-vassal who was of the same rank with themselves. By this means, the king of France found it more easy to conquer those numerous provinces from England than to subdue a duke of Normandy or Guienne, a count of Anjou, Maine, or Poietou. And after reducing such extensive territories, which immediately incorporated with the body of the monarchy, he found greater facility in uniting to the crown the other great fiefs which still remained separate and independent.

But as these important consequences could not be foreseen by human wisdom, the king of France remarked with terror the rising grandeur of the house of Anjou or Plantagenet; and in order to retard its progress, he had ever maintained a strict union with Stephen, and had endeavored to support the tottering fortunes of that bold usurper. But after this prince's death, it was too late to think of opposing the succession of Henry, or preventing the performance of those stipulations which, with the unanimous consent of the nation, he had made with his predecessor. The

English, harassed with civil wars, and disgusted with the bloodshed and depredations which, during the course of so many years, had attended them were little disposed to violate their oaths, by excluding the lawful heir from the succession of their monarchy. Many of the most considerable fortresses were in the hands of his partisans; the whole nation had had occasion to see the noble qualities with which he was endowed, and to compare them with the mean talents of William, the son of Stephen; and as they were acquainted with his great power, and were rather pleased to see the accession of so many foreign dominions to the crown of England, they never entertained the least thoughts of resisting him. Henry himself, sensible of the advantages attending his present situation, was in no hurry to arrive in England; and being engaged in the siege of a castle on the frontiers of Normandy, when he received intelligence of Stephen's death, he made it a point of honor not to depart from his enterprise till he had brought it to an issue. He then set out on his journey, and was received in England with the acclamations of all orders of men, who swore with pleasure the oath of fealty and allegiance to him.

The first act of Henry's government corresponded to the high idea <sup>1155</sup> entertained of his abilities, and prognosticated the reestablishment of justice and tranquillity, of which the kingdom had so long been bereaved. He immediately dismissed all those mercenary soldiers who had committed great disorders in the nation; and he sent them abroad, together with William of Ypres, their leader, the friend and confidant of Stephen. He revoked all the grants made by his predecessor, even those which necessity had extorted from the empress Matilda; and that princess, who had resigned her rights in favor of Henry, made no opposition to a measure so necessary for supporting the dignity of the crown. He repaired the coin, which had been extremely debased during the reign of his predecessor; and he took proper measures against the return of a like abuse. He was rigorous in the execution of justice, and in the suppression of robbery and violence; and that he might restore authority to the laws, he caused all the new erected castles to be demolished, which had proved so many sanctuaries to freebooters and rebels. The earl of Albemarle, Hugh Mortimer, and Roger the son of Milo of Gloucester, were inclined to make some resistance to this salutary measure; but the approach of the king with his forces soon obliged them to submit.

Everything being restored to full tranquillity in England, Henry went <sup>1156</sup>. abroad in order to oppose the attempts of his brother Geoffrey, who, during his absence, had made an incursion into Anjou and Maine, had advanced some pretensions to those provinces, and had got <sup>1157</sup>. possession of a considerable part of them. On the king's appearance, the people returned to their allegiance; and Geoffrey, resigning his claim for an annual pension of a thousand pounds, departed and took possession of the county of Nantz, which the inhabitants, who had expelled Count Iloel, their prince, had put into his hands. Henry returned to England the following year: the incursions of the Welsh then provoked him to make an invasion upon them; where the natural fastnesses of the country occasioned him great difficulties, and even brought him into danger. His vanguard, being engaged in a narrow pass, was put to rout: Henry de Essex, the hereditary standard-bearer, seized with a panic, threw down the standard, took to flight, and exclaimed that the king was slain; and had not the prince immediately appeared in person, and led on his troops with great gallantry, the consequences might have proved fatal to the whole army. For this misbehavior, Essex was afterwards accused of felony by Robert de Montfort; was vanquished in single combat; his estate was confiscated; and he himself was thrust into a convent. The submissions of the Welsh procured them an accommodation with England.

The martial disposition of the princes in that age engaged them to head <sup>1158</sup>. their own armies in every enterprise, even the most frivolous; and their feeble authority made it commonly impracticable for them to delegate, on occasion, the command to their generals. Geoffrey, the king's brother, died soon after he had acquired possession of Nantz; though he had no other title to that county than the voluntary submission or election of the inhabitants two years before, Henry laid claim to the territory as devolved to him by hereditary right, and he went over to support his pretensions by force of arms. Conan, duke or earl of Brittany (for these titles are given indifferently by historians to those princes) pretended that Nantz had been lately separated by rebellion from his principality, to which of right it belonged; and immediately on Geoffrey's death, he took possession of the disputed territory. Lest Lewis, the French king, should interpose in the controversy, Henry paid him a visit; and so allured him by caresses and

civilities, that an alliance was contracted between them; and they agreed that young Henry, heir to the English monarchy, should be affianced to Margaret of France, though the former was only five years of age; the latter was still in her cradle. Henry, now secure of meeting with no interruption on this side, advanced with his army into Brittany; and Conan, in despair of being able to make resistance, delivered up the county of Nantz to him. The able conduct of the king procured him further and more important advantages from this incident. Conan, harassed with the turbulent disposition of his subjects, was desirous of procuring to himself the support of so great a monarch; and he betrothed his daughter and only child, yet an infant, to Geoffrey, the king's third son, who was of the same tender years. The duke of Brittany died about seven years after; and Henry, being mesne lord and also natural guardian to his son and daughter-in-law, put himself in possession of that principality, and annexed it for the present to his other great dominions.

The king had a prospect of making still further acquisitions; and the <sup>1159.</sup> activity of his temper suffered no opportunity of that kind to escape him. Philippa, duchess of Guienne, mother of Queen Eleanor, was the only issue of William IV., count of Toulouse; and would have inherited his dominions, had not that prince, desirous of preserving the succession in the male line, conveyed the principality to his brother Raymond de St. Gilles, by a contract of sale which was in that age regarded as fictitious and illusory. By this means the title to the county of Toulouse came to be disputed between the male and female heirs; and the one or the other, as opportunities favored them, had obtained possession. Raymond, grandson of Raymond de St. Gilles was the reigning sovereign; and on Henry's reviving his wife's claim, this prince had recourse for protection to the king of France, who was so much concerned in policy to prevent the further aggrandizement of the English monarch. Lewis himself, when married to Eleanor, had asserted the justice of her claim, and had demanded possession of Toulouse; but his sentiments changing with his interest, he now determined to defend, by his power and authority, the title of Raymond. Henry found that it would be requisite to support his pretensions against potent antagonists; and that nothing but a formidable army could maintain a claim which he had in vain asserted by arguments and manifestoes.

An army composed of feudal vassals was commonly very intractable and undisciplined, both because of the independent spirit of the persons who served in it, and because the commands were not given either by the choice of the sovereign or from the military capacity and experience of the officers. Each baron conducted his own vassals: his rank was greater or less, proportioned to the extent of his property: even the supreme command under the prince was often attached to birth; and as the military vassals were obliged to serve only forty days at their own charge, though, if the expedition were distant, they were put to great expense, the prince reaped little benefit from their attendance. Henry, sensible of these inconveniences, levied upon his vassals in Normandy and other provinces, which were remote from Toulouse, a sum of money in lieu of their service; and this commutation, by reason of the great distance, was still more advantageous to his English vassals. He imposed, therefore, a scutage of one hundred and eighty thousand pounds on the knights' fees, a commutation to which, though it was unusual, and the first perhaps to be met with in history,<sup>1</sup> the military tenants willingly submitted; and with this money he levied an army which was more under his command, and whose service was more durable and constant.

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<sup>1</sup> The sum scarcely appears credible; as it would amount to much above half the rent of the whole land. Gervase is indeed a contemporary author; but churchmen are often guilty of strange mistakes of that nature, and are commonly but little acquainted with the public revenues. This sum would make five hundred and forty thousand pounds of our present money. The Norman Chronicle (p. 995) lays, that Henry raised only sixty Angevin shillings on each knight's fee in his foreign dominions: this is only a fourth of the sum which Gervase says he levied on England, an inequality nowise probable. A nation may by degrees be brought to bear a tax of fifteen shillings in the pound; but a sudden and precarious tax can never be imposed to that amount without a very visible necessity, especially in an age so little accustomed to taxes. In the succeeding reign the rent of a knight's fee was computed at four pounds a year. There were sixty thousand knights fees in England.]

Assisted by Berenger, count of Barcelona, and Trincaval, count of Nismes, whom he had gained to his party, he invaded the county of Toulouse; and after taking Verdun, Castlenau, and other places, he besieged the capital of

the province, and was likely to prevail in the enterprise; when Lewis, advancing before the arrival of his main body, threw himself into the place with a small reenforcement. Henry was urged by some of his ministers to prosecute the siege, to take Lewis prisoner, and to impose his own terms in the pacification; but he either thought it so much his interest to maintain the feudal principles, by which his foreign dominions were secured, or bore so much respect to his superior lord, that he declared he would not attack a place defended by him in person; and he immediately raised the siege. He marched into Normandy to protect that province against an incursion which the count of Dreux, instigated by King Lewis, his brother, had made upon it. War was now openly carried on between the two monarchs, but produced no memorable event: it soon ended in a cessation of arms, and that followed by a peace, which was not, however, attended with any confidence or good correspondence between those rival princes.

The fortress of Gisors, being part of the dowry stipulated to Margaret of <sup>1160.</sup> France, had been consigned by agreement to the knights templars, on condition that it should be delivered into Henry's hands after the celebration of the nuptials. The king, that he might have a pretence for immediately demanding the place, ordered the marriage to be solemnized between the prince and princess, though both infants; and he engaged the grand master of the templars, by large presents, as was generally suspected, to put him in possession of Gisors.<sup>2</sup>

Lewis, resenting this fraudulent conduct, banished the templars, and <sup>1161.</sup> would have made war upon the king of England, had it not been for the mediation and authority of Pope Alexander III., who had been chased from Rome by the antipope, Victor IV., and resided at that time in France.

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<sup>2</sup> Since the first publication of this History, Lord Lyttleton has published a copy of the treaty between Henry and Lewis, by which it appears, if there was no secret article, that Henry was not guilty of any fraud in this transaction, observe, that the two kings had the year before, met the pope at the castle of Torci on the Loir; and they gave him such marks of respect, that both dismounted to receive him, and holding each of them one of the reins of his bridle, walked on foot by his side, and conducted him in that submissive manner into the castle: "a spectacle," cries Baronius in an ecstasy, "to God, angels, and men; and such as had never before been exhibited to the world!"]

Henry, soon after he had accommodated his differences with Lewis <sup>1162</sup>. by the pope's mediation, returned to England; where he commenced an enterprise, which, though required by sound policy, and even conducted in the main with prudence, bred him great disquietude, involved him in danger, and was not concluded without some loss and dishonor.

The usurpations of the clergy, which had at first been gradual, were now become so rapid, and had mounted to such a height, that the contest between the regale and pontificale was really arrived at a crisis in England; and it became necessary to determine whether the king or the priests, particularly the archbishop of Canterbury, should be sovereign of the kingdom. The aspiring spirit of Henry, which gave inquietude to all his neighbors, was not likely long to pay a tame submission to the encroachments of subjects; and as nothing opens the eyes of men so readily as their interest, he was in no danger of falling, in this respect, into that abject superstition which retained his people in subjection. From the commencement of his reign, in the government of his foreign dominions, as well as of England, he had shown a fixed purpose to repress clerical usurpations, and to maintain those prerogatives which had been transmitted to him by his predecessors. During the schism of the papacy between Alexander and Victor, he had determined, for some time, to remain neuter; and when informed that the archbishop of Rouen and the bishop of Mans had, from their own authority, acknowledged Alexander as legitimate pope, he was so enraged, that, though he spared the archbishop on account of his great age, he immediately issued orders for overthrowing the houses of the bishop of Mans and archdeacon of Rouen;<sup>3</sup> and it was not till he had deliberately examined the matter, by those views which usually enter into the councils of princes, that he allowed that pontiff to exercise authority over any of his dominions.

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<sup>3</sup> Fitz-Stephen, p. 18. This conduct appears violent and arbitrary; but was suitable to the strain of administration in those days. His father Geoffrey, though represented as a mild prince, set him an example of much greater violence. When Geoffrey was master of Normandy, the chapter of Sens presumed, without his consent, to proceed to the election of a bishop; upon which he ordered all of them with the bishop elect, to be castrated, and made all their testicles be brought him in a platter. Fitz-Steph. p. 44. In the



war of Toulouse, Henry laid a heavy and an arbitrary tax on all the churches within his dominions. See Epist. St. Thom. p. 232.]

In England, the mild character and advanced years of Theobald, archbishop of Canterbury, together with his merits in refusing to put the crown on the head of Eustace, son of Stephen, prevented Henry, during the lifetime of that primate, from taking any measures against the multiplied encroachments of the clergy; but after his death, the king resolved to exert himself with more activity; and that he might be secure against any opposition, he advanced to that dignity Becket, his chancellor, on whose compliance he thought he could entirely depend.

Thomas à Becket, the first man of English descent who, since the Norman conquest, had, during the course of a whole century, risen to any considerable station, was born of reputable parents in the city of London; and being endowed both with industry and capacity, he early insinuated himself into the favor of Archbishop Theobald, and obtained from that prelate some preferments and offices. By their means he was enabled to travel for improvement to Italy, where he studied the civil and canon law at Bologna; and on his return he appeared to have made such proficiency in knowledge, that he was promoted by his patron to the archdeaconry of Canterbury, an office of considerable trust and profit. He was afterwards employed with success by Theobald in transacting business at Rome; and on Henry's accession, he was recommended to that monarch as worthy of further preferment Henry, who knew that Becket had been instrumental in supporting that resolution of the archbishop, which had tended so much to facilitate his own advancement to the throne, was already prepossessed in his favor; and finding on further acquaintance, that his spirit and abilities entitled him to any trust he soon promoted him to the dignity of chancellor, one of the first civil offices in the kingdom. The chancellor, in that age, besides the custody of the great seal, had possession of all vacant prelacies and abbeys; he was the guardian of all such minors and pupils as were the king's tenants; all baronies which escheated to the crown were under his administration; he was entitled to a place in council, even though he were not particularly summoned; and as he exercised also the office of secretary of state, and it belonged to him to countersign all

commissions, writs, and letters patent, he was a kind of prime minister and was concerned in the despatch of every business of importance. Besides exercising this high office, Becket by the favor of the king or archbishop, was made provost of Beverley, dean of Hastings, and constable of the Tower: he was put in possession of the honors of Eye and Berkham large baronies that had escheated to the crown; and to complete his grandeur, he was intrusted with the education of Prince Henry, the king's eldest son, and heir of the monarchy. The pomp of his retinue, the sumptuousness of his furniture, the luxury of his table, the munificence of his presents, corresponded to these great preferments; or rather exceeded any thing that England had ever before seen in any subject. His historian and secretary, Fitz-Stephens, mentions, among other particulars, that his apartments were every day in winter covered with clean straw or hay, and in summer with green rushes or boughs, lest the gentlemen who paid court to him and who could not, by reason of their great number, find a place at table, should soil their fine clothes by sitting on a dirty floor.<sup>4</sup> A great number of knights were retained in his service; the greatest barons were proud of being received at his table; his house was a place of education for the sons of the chief nobility; and the king himself frequently vouchsafed to partake of his entertainments. As his way of life was splendid and opulent, his amusements and occupations were gay, and partook of the cavalier spirit, which, as he had only taken deacon's orders, he did not think unbecoming his character. He employed himself at leisure hours in hunting, hawking, gaming, and horsemanship; he exposed his person in several military actions; he carried over, at his own charge, seven hundred knights to attend the king in his wars at Toulouse; in the subsequent wars on the frontiers of Normandy, he maintained, during forty days, twelve hundred knights, and four thousand of their train; and in an embassy to France, with which he was intrusted, he astonished that court by the number and magnificence of his retinue.

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<sup>4</sup> John Baldwin held the manor of Oterarsfee in Aylesbury of the king in soccage, by the service of finding litter for the king's bed, viz., in summer, grass or herbs, and two gray geese, and in winter, straw, and three eels, thrice in the year, if the king should come thrice in the year to Aylesbury. Madox, Bar. Anglica, p. 247.]

Henry, besides committing all his more important business to Becket's management, honored him with his friendship and intimacy; and whenever he was disposed to relax himself by sports of any kind, he admitted his chancellor to the party. An instance of their familiarity is mentioned by Fitz-Stephens which, as it shows the manners of the age, it may not be improper to relate. One day, as the king and the chancellor were riding together in the streets of London, they observed a beggar, who was shivering with cold. "Would it not be very praiseworthy," said the king, "to give that poor man a warm coat in this severe season?" "It would, surely," replied the chancellor; "and you do well, sir, in thinking of such good actions." "Then he shall have one presently," cried the king; and seizing the skirt of the chancellor's coat, which was scarlet, and lined with ermine, began to pull it violently. The chancellor defended himself for some time; and they had both of them like to have tumbled off their horses in the street, when Becket, after a vehement struggle, let go his coat; which the king bestowed on the beggar, who, being ignorant of the quality of the persons, was not a little surprised at the present.

Becket, who, by his complaisance and good humor, had rendered himself agreeable, and by his industry and abilities useful, to his master, appeared to him the fittest person for supplying the vacancy made by the death of Theobald. As he was well acquainted with the king's intentions of retrenching, or rather confining within the ancient bounds, all ecclesiastical privileges, and always showed a ready disposition to comply with them, Henry, who never expected any resistance from that quarter, immediately issued orders for electing him archbishop of Canterbury. But this resolution, which was taken contrary to the opinion of Matilda, and many of the ministers, drew after it very unhappy consequences; and never prince of so great penetration appeared, in the issue, to have so little understood the genius and character of his minister.

No sooner was Becket installed in this high dignity, which rendered him for life the second person in the kingdom, with some pretensions of aspiring to be the first, than he totally altered his demeanor and conduct, and endeavored to acquire the character of sanctity, of which his former busy and ostentatious course of life might, in the eyes of the people, have

naturally bereaved him. Without consulting the king, he immediately returned into his hands the commission of chancellor; pretending that he must thenceforth detach himself from secular affairs, and be solely employed in the exercise of his spiritual function; but in reality, that he might break off all connections with Henry, and apprise him that Becket, as primate of England, was now become entirely a new personage. He maintained, in his retinue and attendants alone, his ancient pomp and lustre, which was useful to strike the vulgar; in his own person he affected the greatest austerity and most rigid mortification, which he was sensible would have an equal or a greater tendency to the same end. He wore sackcloth next his skin, which, by his affected care to conceal it, was necessarily the more remarked by all the world: he changed it so seldom, that it was filled with dirt and vermin: his usual diet was bread; his drink water, which he even rendered further unpalatable by the mixture of unsavory herbs: he tore his back with the frequent discipline which he inflicted on it: he daily on his knees washed, in imitation of Christ, the feet of thirteen beggars, whom he afterwards dismissed with presents: he gained the affections of the monks by his frequent charities to the convents and hospitals: every one who made profession of sanctity, was admitted to his conversation, and returned full of panegyrics on the humility, as well as on the piety and mortification, of the holy primate: he seemed to be perpetually employed in reciting prayers and pious lectures, or in perusing religious discourses: his aspect wore the appearance of seriousness, and mental recollection, and secret devotion; and all men of penetration plainly saw that he was meditating some great design, and that the ambition and ostentation of his character had turned itself towards a new and a more dangerous object.

Becket waited not till Henry should commence those projects against <sup>1163.</sup> the ecclesiastical power, which he knew had been formed by that prince: he was himself the aggressor, and endeavored to overawe the king by the intrepidity and boldness of his enterprises. He summoned the earl of Clare to surrender the barony of Tunbridge, which, ever since the conquest, had remained in the family of that nobleman, but which, as it had formerly belonged to the see of Canterbury, Becket pretended his predecessors were prohibited by the canons to alienate. The earl of Clare, besides the lustre which he derived from the greatness of his own birth and the extent of his

possessions, was allied to all the principal families in the kingdom; his sister, who was a celebrated beauty, had further extended his credit among the nobility and was even supposed to have gained the king's affections; and Becket could not better discover, than by attacking so powerful an interest, his resolution of maintaining with vigor the rights, real or pretended, of his see.

William de Eynsford, a military tenant of the crown, was patron of a living which belonged to a manor that held of the archbishop of Canterbury; but Becket, without regard to William's right, presented, on a new and illegal pretext, one Laurence to that living, who was violently expelled by Eynsford. The primate, making himself, as was usual in spiritual courts, both judge and party, issued in a summary manner the sentence of excommunication against Eynsford, who complained to the king, that he, who held "in capite" of the crown, should, contrary to the practice established by the Conqueror, and maintained ever since by his successors, be subjected to that terrible sentence without the previous consent of the sovereign. Henry, who had now broken off all personal intercourse with Becket, sent him, by a messenger, his orders to absolve Eynsford; but received for answer, that it belonged not for the king to inform him whom he should absolve and whom excommunicate; and it was not till after many remonstrances and menaces that Becket, though with the worst grace imaginable, was induced to comply with the royal mandate.

Henry, though he found himself thus grievously mistaken in the character of the person whom he had promoted to the primacy, determined not to desist from his former intention of retrenching clerical usurpations. He was entirely master of his extensive dominions: the prudence and vigor of his administration, attended with perpetual success, had raised his character above that of any of his predecessors: the papacy seemed to be weakened by a schism which divided all Europe; and he rightly judged that, if the present favorable opportunity were neglected, the crown must, from the prevalent superstition of the people, be in danger of falling into entire subordination under the mitre.

The union of the civil and ecclesiastical power serves extremely, in every civilized government, to the maintenance of peace and order; and

prevents those mutual encroachments which, as there can be no ultimate judge between them, are often attended with the most dangerous consequences. Whether the supreme magistrate who unites these powers receives the appellation of prince or prelate, is not material. The superior weight which temporal interests commonly bear in the apprehensions of men above spiritual, renders the civil part of his character most prevalent; and in time prevents those gross impostures and bigoted persecutions which, in all false religions, are the chief foundation of clerical authority. But during the progress of ecclesiastical usurpations, the state, by the resistance of the civil magistrate, is naturally thrown into convulsions; and it behoves the prince, both for his own interest and for that of the public, to provide in time sufficient barriers against so dangerous and insidious a rival. This precaution had hitherto been much neglected in England, as well as in other Catholic countries; and affairs at last seemed to have come to a dangerous crisis: a sovereign of the greatest abilities was now on the throne: a prelate of the most inflexible and intrepid character was possessed of the primacy: the contending powers appeared to be armed with their full force and it was natural to expect some extraordinary event to result from their conflict.

Among their other inventions to obtain money, the clergy had inculcated the necessity of penance as an atonement for sin; and having again introduced the practice of paying them large sums as a commutation, or species of atonement for the remission of those penances, the sins of the people, by these means, had become a revenue to the priests; and the king computed, that by this invention alone they levied more money upon his subjects than flowed, by all the funds and taxes, into the royal exchequer. That he might ease the people of so heavy and arbitrary an imposition, Henry required that a civil officer of his appointment should be present in all ecclesiastical courts, and should, for the future, give his consent to every composition which was made with sinners for their spiritual offences.

The ecclesiastics in that age had renounced all immediate subordination to the magistrate: they openly pretended to an exemption, in criminal accusations, from a trial before courts of justice; and were gradually introducing a like exemption in civil causes: spiritual penalties

alone could be inflicted on their offences; and as the clergy had extremely multiplied in England, and many of them were consequently of very low characters, crimes of the deepest dye—murders, robberies, adulteries, rapes—were daily committed with impunity by the ecclesiastics. It had been found, for instance, on inquiry, that no less than a hundred murders had, since the king's accession, been perpetrated by men of that profession, who had never been called to account for these offences; and holy orders were become a full protection for all enormities. A clerk in Worcestershire, having debauched a gentleman's daughter, had, at this time, proceeded to murder the father; and the general indignation against this crime moved the king to attempt the remedy of an abuse which was become so palpable, and to require that the clerk should be delivered up, and receive condign punishment from the magistrate. Becket insisted on the privileges of the church; confined the criminal in the bishop's prison, lest he should be seized by the king's officers; maintained that no greater punishment could be inflicted on him than degradation; and when the king demanded that, immediately after he was degraded, he should be tried by the civil power, the primate asserted that it was iniquitous to try a man twice upon the same accusation, and for the same offence.

Henry, laying hold of so plausible a pretence, resolved to push the clergy with regard to all their privileges, which they had raised to an enormous height, and to determine at once those controversies which daily multiplied between the civil and the ecclesiastical jurisdictions. He summoned an assembly of all the prelates in England; and he put to them this concise and decisive question, whether or not they were willing to submit to the ancient laws and customs of the kingdom? The bishops unanimously replied, that they were willing, "saving their own order;" a device by which they thought to elude the present urgency of the king's demand, yet reserve to themselves, on a favorable opportunity, the power of resuming all their pretensions. The king was sensible of the artifice, and was provoked to the highest indignation. He left the assembly with visible marks of his displeasure: he required the primate instantly to surrender the honors and castles of Eye and Berkham: the bishops were terrified, and expected still further effects of his resentment. Becket alone was inflexible; and nothing but the interposition of the pope's legate and almoner, Philip, who dreaded a breach with so powerful a prince at so unseasonable a

juncture, could have prevailed on him to retract the saving clause, and give a general and absolute promise of observing the ancient customs.

But Henry was not content with a declaration in these general terms; he resolved, ere it was too late, to define expressly those customs with which he required compliance, and to put a stop to clerical usurpations, before they were fully consolidated, and could plead antiquity, as they already did a sacred authority, in their favor. The claims of the church were open and visible. After a gradual and insensible progress during many centuries, the mask had at last been taken off, and several ecclesiastical councils, by their canons, which were pretended to be irrevocable and infallible, had positively defined those privileges and immunities which gave such general offence, and appeared so dangerous to the civil magistrate. Henry, therefore, deemed it necessary to define with the same precision the limits of the civil power; to oppose his legal customs to their divine ordinances; to determine the exact boundaries of the rival jurisdictions; and for this purpose he summoned a general council of the nobility and prelates at Clarendon, to whom he submitted this great and important question. [15th Jan. 1164.]

The barons were all gained to the king's party, either by the reasons which he urged, or by his superior authority. The bishops were overawed by the general combination against them; and the following laws, commonly called the "Constitutions of Clarendon," were voted without opposition by this assembly. It was enacted, that all suits concerning the advowson and presentation of churches should be determined in the civil courts: that the churches, belonging to the king's fee, should not be granted in perpetuity without his consent; that clerks, accused of any crime, should be tried in the civil courts: that no person, particularly no clergyman of any rank, should depart the kingdom without the king's license: that excommunicated persons should not be bound to give security for continuing in their present place of abode: that laics should not be accused in spiritual courts, except by legal and reputable promoters and witnesses: that no chief tenant of the crown should be excommunicated, nor his lands be put under an interdict, except with the king's consent: that all appeals in spiritual causes should be carried from the archdeacon to the bishop, from the bishop to the primate, from him to



the king; and should be carried no farther without the king's consent: that if any lawsuit arose between a layman and a clergyman concerning a tenant, and it be disputed whether the land be a lay or an ecclesiastical fee, it should first be determined by the verdict of twelve lawful men to what class it belonged; and if it be found to be a lay fee, the cause should finally be determined in the civil courts: that no inhabitant in demesne should be excommunicated for non-appearance in a spiritual court, till the chief officer of the place where he resides be consulted, that he may compel him by the civil authority to give satisfaction to the church: that the archbishops, bishops, and other spiritual dignitaries, should be regarded as barons of the realm; should possess the privileges and be subjected to the burdens belonging to that rank; and should be bound to attend the king in his great councils, and assist at all trials, till the sentence, either of death or loss of members, be given against the criminal: that the revenue of vacant sees should belong to the king; the chapter, or such of them as he pleases to summon, should sit in the king's chapel till they made the new election with his consent, and that the bishop elect should do homage to the crown: that if any baron or tenant "in capite" should refuse to submit to the spiritual courts, the king should employ his authority in obliging him to make such submissions; if any of them throw off his allegiance to the king, the prelates should assist the king with their censures in reducing him: that goods forfeited to the king should not be protected in churches or churchyards: that the clergy should no longer pretend to the right of enforcing payment of debts contracted by oath or promise; but should leave these lawsuits, equally with others, to the determination of the civil courts; and that the sons of villains should not be ordained clerks, without the consent of their lord.

These articles, to the number of sixteen, were calculated to prevent the chief abuses which had prevailed in ecclesiastical affairs, and to put an effectual stop to the usurpations of the church, which, gradually stealing on, had threatened the total destruction of the civil power. Henry, therefore, by reducing those ancient customs of the realm to writing, and by collecting them in a body, endeavored to prevent all future dispute with regard to them; and by passing so many ecclesiastical ordinances in a national and civil assembly, he fully established the superiority of the legislature above all papal decrees or spiritual canons, and gained a signal

victory over the ecclesiastics. But as he knew that the bishops, though overawed by the present combination of the crown and the barons, would take the first favorable opportunity of denying the authority which had enacted these constitutions, he resolved that they should all set their seal to them, and give a promise to observe them. None of the prelates dared to oppose his will, except Becket, who, though urged by the earls of Cornwall and Leicester, the barons of principal authority in the kingdom, obstinately withheld his assent. At last, Richard de Hastings, grand prior of the templars in England, threw himself on his knees before him, and with many tears entreated him, if he paid any regard either to his own safety or that of the church, not to provoke, by a fruitless opposition, the indignation of a great monarch, who was resolutely bent on his purpose, and who was determined to take full revenge on every one that should dare to oppose him. Becket, finding himself deserted by all the world, even by his own brethren, was at last obliged to comply; and he promised, "legally, with good faith, and without fraud or reserve," to observe the constitutions; and he took an oath to that purpose. The king, thinking that he had now finally prevailed in this great enterprise, sent the constitutions to Pope Alexander, who then resided in France; and he required that pontiff's ratification of them; but Alexander, who, though he had owed the most important obligations to the king, plainly saw that these laws were calculated to establish the independency of England on the papacy, and of the royal power on the clergy, condemned them in the strongest terms; abrogated, annulled, and rejected them. There were only six articles, the least important, which, for the sake of peace, he was willing to ratify.

Becket, when he observed that he might hope for support in an opposition, expressed the deepest sorrow for his compliance; and endeavored to engage all the other bishops in a confederacy to adhere to their common rights, and to the ecclesiastical privileges, in which he represented the interest and honor of God to be so deeply concerned. He redoubled his austerities in order to punish himself for his criminal assent to the constitutions of Clarendon: he proportioned his discipline to the enormity of his supposed offence: and he refused to exercise any part of his archiepiscopal function, till he should receive absolution from the pope, which was readily granted him. Henry, informed of his present dispositions, resolved to take vengeance for this refractory behavior; and

he attempted to crush him by means of that very power which Becket made such merit in supporting. He applied to the pope that he should grant the commission of legate in his dominions to the archbishop of York; but Alexander, as politic as he, though he granted the commission, annexed a clause, that it should not empower the legate to execute any act in prejudice of the archbishop of Canterbury: and the king, finding how fruitless such an authority would prove, sent back the commission by the same messenger that brought it.

The primate, however, who found himself still exposed to the king's indignation, endeavored twice to escape secretly from the kingdom; but was as often detained by contrary winds: and Henry hastened to make him feel the effects of an obstinacy which he deemed so criminal. He instigated John, mareschal of the exchequer, to sue Becket in the archiepiscopal court for some lands, part of the manor of Pageham; and to appeal thence to the king's court for justice. On the day appointed for trying the cause, the primate sent four knights to represent certain irregularities in John's appeal; and at the same time to excuse himself, on account of sickness, for not appearing personally that day in the court. This slight offence (if it even deserve the name) was represented as a grievous contempt; the four knights were menaced, and with difficulty escaped being sent to prison, as offering falsehoods to the court;<sup>5</sup> and Henry, being determined to prosecute Becket to the utmost, summoned at Northampton a great council, which he purposed to make the instrument of his vengeance against the inflexible prelate.

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<sup>5</sup> I follow here the narrative of Fitz-Stephens, who was secretary to Becket; though, no doubt, he may be suspected of partiality towards his patron. Lord Lyttleton chooses to follow the authority of a manuscript letter, or rather manifesto of Folliot, bishop of London, which is addressed to Becket himself; at the time when the bishop appealed to the pope from the excommunication pronounced against him by his primate. My reasons why I give the preference to Fitz-Stephens are, 1. If the friendship of Fitz-Stephens might render him partial to Becket even after the death of that prelate, the declared enmity of the bishop must, during his lifetime, have rendered him more partial on the other side. 2. The bishop was moved by interest, as well as enmity, to calumniate Becket. He had himself to defend against the sentence of excommunication, dreadful to all, especially to a prelate; and no more effectual means than to throw all the blame on his

adversary. 3. He has actually been guilty of palpable calumnies in that letter. Among these, I reckon the following. He affirms that when Becket subscribed the Constitutions of Clarendon, he said plainly to all the bishops of England, "It is my master's pleasure, that I should forswear myself, and at present I submit to it, and do resolve to incur a perjury, and repent afterwards as I may." However barbarous the times, and however negligent zealous churchmen were then of morality, these are not words which a primate of great sense and of much seeming sanctity would employ in an assembly of his suffragans: he might act upon these principles, but never surely would publicly avow them. Folliot also says, that all the bishops were resolved obstinately to oppose the Constitutions of Clarendon, but the primate himself betrayed them from timidity, and led the way to their subscribing. This is contrary to the testimony of all the historians, and directly contrary to Becket's character, who surely was not destitute either of courage or of zeal for ecclesiastical immunities. 4. The violence and injustice of Henry, ascribed to him by Fitz-Stephens, is of a piece with the rest of the prosecution. Nothing could be more iniquitous than, after two years' silence, to make a sudden and unprepared demand upon Becket to the amount of forty-four thousand marks, (equal to a sum of near a million in our time,) and not allow him the least interval to bring in his accounts. If the king was so palpably oppressive in one article, he may be presumed to be equally so in the rest. 5. Though Folliot's letter, or rather manifesto, be addressed to Becket himself, it does not acquire more authority on that account. We know not what answer was made by Becket; the collection of letters cannot be supposed quite complete. But that the collection was not made by one (whoever he were) very partial to that primate, appears from the tenor of them, where there are many passages very little favorable to him, insomuch that the editor of them at Brussels, a Jesuit, thought proper to publish them with great omissions, particularly of this letter of Folliot's. Perhaps Becket made no answer at all, as not deigning to write to an excommunicated person, whose very commerce would contaminate him; and the bishop, trusting to this arrogance of his primate, might calumniate him the more freely. 6. Though the sentence pronounced on Becket by the great council, implies that he had refused to make any answer to the king's court, this does not fortify the narrative of Folliot. For if his excuse was rejected as false and frivolous, it would be treated as no answer. Becket submitted so far to the sentence of confiscation of goods and chattels, that he gave surety, which is a proof that he meant not at that time to question the authority of the king's courts. 7. It may be worth observing, that both the author of *Historia Quadrapartita*, Gervase, contemporary writers, agree with Fitz-Stephens; and the latter is not usually very partial to Becket. All the ancient historians give the same account.]

The king had raised Becket from a low station to the highest offices, had honored him with his countenance and friendship, had trusted to his assistance in forwarding his favorite project against the clergy; and when he found him become of a sudden his most rigid opponent, while every one beside complied with his will, rage at the disappointment, and indignation against such signal ingratitude, transported him beyond all bounds of moderation; and there seems to have entered more of passion than of justice, or even of policy, in this violent prosecution. The barons, notwithstanding, in the great council voted whatever sentence he was pleased to dictate to them; and the bishops themselves, who undoubtedly bore a secret favor to Becket, and regarded him as the champion of their privileges, concurred with the rest in the design of oppressing their primate. In vain did Becket urge that his court was proceeding with the utmost regularity and justice in trying the mareschal's cause; which, however, he said, would appear, from the sheriff's testimony, to be entirely unjust and iniquitous: that he himself had discovered no contempt of the king's court; but, on the contrary, by sending four knights to excuse his absence, had virtually acknowledged its authority: that he also, in consequence of the king's summons, personally appeared at present in the great council, ready to justify his cause against the mareschal, and to submit his conduct to their inquiry and jurisdiction: that even should it be found that he had been guilty of non-appearance, the laws had affixed a very slight penalty to that offence; and that as he was an inhabitant of Kent, where his archiepiscopal palace was seated, he was by law entitled to some greater indulgence than usual in the rate of his fine. Notwithstanding these pleas, he was condemned as guilty of a contempt of the king's court, and as wanting in the fealty which he had sworn to his sovereign; all his goods and chattels were confiscated; and that this triumph over the church might be carried to the utmost, Henry, bishop of Winchester, the prelate who had been so powerful in the former reign, was in spite of his remonstrances, obliged, by order of the court, to pronounce the sentence against him. The primate submitted to the decree; and all the prelates, except Folliot, bishop of London, who paid court to the king by this singularity, became sureties for him. It is remarkable, that several Norman barons voted in this council; and we may conclude, with some probability, that a like practice had prevailed in many of the great councils summoned

since the conquest. For the contemporary historian, who has given us a full account of these transactions, does not mention this circumstance as anywise singular; and Becket, in all his subsequent remonstrances with regard to the severe treatment which he had met with, never founds any objection on an irregularity, which to us appears very palpable and flagrant. So little precision was there at that time in the government and constitution!

The king was not content with this sentence, however violent and oppressive. Next day he demanded of Becket the sum of three hundred pounds, which the primate had levied upon the honors of Eye and Berkham, while in his possession. Becket, after promising that he was not obliged to answer to this suit, because it was not contained in his summons; after remarking that he had expended more than that sum in the repairs of those castles, and of the royal palace at London, expressed, however, his resolution, that money should not be any ground of quarrel between him and his sovereign; he agreed to pay the sum, and immediately gave sureties for it. In the subsequent meeting, the king demanded five hundred marks, which, he affirmed, he had lent Becket during the war at Toulouse; and another sum to the same amount, for which that prince had been surety for him to a Jew. Immediately after these two claims, he preferred a third, of still greater importance; he required him to give in the accounts of his administration while chancellor, and to pay the balance due from the revenues of all the prelacies, abbeys, and baronies, which had, during that time, been subjected to his management.<sup>6</sup> Becket observed that, as this demand was totally unexpected, he had not come prepared to answer it; but he required a delay, and promised in that case to give satisfaction. The king insisted upon sureties; and Becket desired leave to consult his suffragans in a case of such importance.<sup>7</sup>

It is apparent, from the known character of Henry, and from the usual vigilance of his government, that, when he promoted Becket to the see of Canterbury, he was, on good grounds, well pleased with his administration in the former high office with which he had intrusted him; and that, even if that prelate had dissipated money beyond the income of his place, the king was satisfied that his expenses were not blamable, and had in the main

been calculated for his service.<sup>8</sup> Two years had since elapsed; no demand had during that time been made upon him; it was not till the quarrel arose concerning ecclesiastical privileges, that the claim was started, and the primate was, of a sudden, required to produce accounts of such intricacy and extent before a tribunal which had shown a determined resolution to ruin and oppress him. To find sureties that he should answer so boundless and uncertain a claim, which in the king's estimation amounted to forty-four thousand marks,<sup>9</sup> was impracticable; and Becket's suffragans were extremely at a loss what counsel to give him in such a critical emergency. By the advice of the bishop of Winchester he offered two thousand marks as a general satisfaction for all demands; but this offer was rejected by the king,<sup>10</sup> Some prelates exhorted him to resign his see, on condition of receiving an acquittal; others were of opinion that he ought to submit himself entirely to the king's mercy;<sup>11</sup> but the primate, thus pushed to the utmost, had too much courage to sink under oppression; he determined to brave all his enemies, to trust to the sacredness of his character for protection, to involve his cause with that of God and religion, and to stand the utmost efforts of royal indignation.

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<sup>6</sup> Hoveden, p. 494. Diceto, p. 537.]

<sup>7</sup> Fitz-Steph. p. 38]

<sup>8</sup> Hoveden, p. 495.]

<sup>9</sup> Epist. St. Thorn, p. 315]

<sup>10</sup> Fitz-Steph. p. 39. Gervase, p. 1390.]

After a few days spent in deliberation Becket went to church, and said mass, where he had previously ordered that the entroit to the communion service should begin with these words, "Princes sat and spake against me;" the passage appointed for the martyrdom of St. Stephen, whom the primate thereby tacitly pretended to resemble in his sufferings for the sake of righteousness. He went thence to court arrayed in his sacred vestments: as soon as he arrived within the palace gate, he took the cross into his own hands, bore it aloft as his protection, and marched in that posture into the

royal apartments.<sup>12</sup> The king, who was in an inner room, was astonished at this parade, by which the primate seemed to menace him and his court with the sentence of excommunication; and he sent some of the prelates to remonstrate with him on account of such audacious behavior. These prelates complained to Becket, that, by subscribing himself to the constitutions of Clarendon, he had seduced them to imitate his example; and that now, when it was too late, he pretended to shake off all subordination to the civil power, and appeared desirous of involving them in the guilt which must attend any violation of those laws, established by their consent and ratified by their subscriptions.<sup>13</sup>

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<sup>11</sup> Fitz-Steph. p. 40. Hist. Quad. p. 53 Hoveden, p. 404. Gul Neubr. p. 394. Epist. St. Thom. p. 43.]

<sup>12</sup> Fitz-Steph p. 35]

Becket replied, that he had indeed subscribed the constitutions of Clarendon, “legally, with good faith, and without fraud or reserve;” but in these words was virtually implied a salvo for the rights of their order, which, being connected with the cause of God and his church, could never be relinquished by their oaths and engagements: that if he and they had erred in resigning the ecclesiastical privileges, the best atonement they could now make was to retract their consent, which in such a case could never be obligatory, and to follow the pope’s authority, who had solemnly annulled the constitutions of Clarendon, and had absolved them from all oaths which they had taken to observe them: that a determined resolution was evidently embraced to oppress the church; the storm had first broken upon him; for a slight offence, and which too was falsely imputed to him, he had been tyrannically condemned to a grievous penalty; a new and unheard-of claim was since started, in which he could expect no justice; and he plainly saw that he was the destined victim, who, by his ruin, must prepare the way for the abrogation of all spiritual immunities: that he strictly prohibited them who were his suffragans from assisting at any such trial, or giving their sanction to any sentence against him; he put himself and his see under the protection of the supreme pontiff; and appealed to him against any penalty which his iniquitous judges might think proper to



inflict upon him; and that, however terrible the indignation of so great a monarch as Henry, his sword could only kill the body; while that of the church, intrusted into the hands of the primate, could kill the soul, and throw the disobedient into infinite and eternal perdition.<sup>14</sup>

Appeals to the pope, even in ecclesiastical causes, had been abolished by the constitutions of Clarendon, and were become criminal by law but an appeal in a civil cause, such as the king's demand upon Becket, was a practice altogether new and unprecedented; it tended directly to the subversion of the government, and could receive no color of excuse, except from the determined resolution, which was but too apparent to Henry and the great council, to effectuate, without justice, but under color of law, the total ruin of the inflexible primate. The king, having now obtained a pretext so much more plausible for his violence, would probably have pushed the affair to the utmost extremity against him; but Becket gave him no leisure to conduct the prosecution. He refused so much as to hear the sentence which the barons, sitting apart from the bishops, and joined to some sheriffs and barons of the second rank,<sup>15</sup> had given upon the king's claim; he departed from the palace; asked Henry's immediate permission to leave Northampton; and upon meeting with a refusal, he withdrew secretly, wandered about in disguise for some time, and at last took shipping and arrived safely at Gravelines.

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<sup>13</sup> Fitz-Steph. p. 42,44,45,46. Hist. Quad. p. 57. Hoveden, p. 495, M. Paris, p. 72. Epist. St. Thorn, p. 45, 195.]

<sup>14</sup> Fitz-Steph. p. 46. This historian is supposed to mean the more considerable vassals of the chief barons: these had no title to sit in the great council, and the giving them a place there was a palpable irregularity; which, however, is not insisted on in any of Becket's remonstrances: a further proof how little fixed the constitution was at that time.]

The violent and unjust prosecution of Becket had a natural tendency to turn the public favor on his side, and to make men overlook his former ingratitude towards the king and his departure from all oaths and engagements, as well as the enormity of those ecclesiastical privileges, of which he affected to be the champion. There were many other reasons

which procured him countenance and protection in foreign countries. Philip, earl of Flanders,<sup>16</sup> and Lewis, king of France,<sup>17</sup> jealous of the rising greatness of Henry, were well pleased to give him disturbance in his government; and forgetting that this was the common cause of princes, they affected to pity extremely the condition of the exiled primate; and the latter even honored him with a visit at Soissons, in which city he had invited him to fix his residence.<sup>18</sup>

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<sup>15</sup> Epist. St Thom. p. 35.]

<sup>16</sup> Epist. St. Thom. p. 36, 37.]

<sup>17</sup> Hist. Quad. p. 76.]

The pope, whose interests were more immediately concerned in supporting him, gave a cold reception to a magnificent embassy which Henry sent to accuse him; while Becket himself, who had come to Sens in order to justify his cause before the sovereign pontiff was received with the greatest marks of distinction. The king in revenge, sequestered the revenues of Canterbury; and by conduct which might be esteemed arbitrary, had there been at that time any regular check on royal authority, he banished all the primate's relations and domestics, to the number of four hundred, whom he obliged to swear, before their departure, that they would instantly join their patron. But this policy, by which Henry endeavored to reduce Becket sooner to necessity, lost its effect; the pope, when they arrived beyond sea, absolved them from their oath, and distributed them among the convents in France and Flanders; a residence was assigned to Becket himself, in the convent of Pontigny, where he lived for some years in great magnificence, partly from a pension granted him on the revenues of that abbey, partly from remittances made him by the French monarch.

The more to ingratiate himself with the pope, Becket resigned into his hands the see of Canterbury, to which, he affirmed, he had been uncanonically elected, by the authority of the royal mandate; and Alexander, in his turn, besides investing him anew with that dignity, pretended to abrogate by a bull, the sentence which the great council of

England had passed against him. Henry, after attempting in vain to procure a conference with the pope, who departed soon after for Rome, whither the prosperous state of his affairs now invited him, made provisions against the consequences of that breach which impended between his kingdom and the apostolic see. He issued orders to his justiciaries, inhibiting, under severe penalties, all appeals to the pope or archbishop, forbidding any one to receive any mandates from them, or apply in any case to their authority; declaring it treasonable to bring from either of them an interdict upon the kingdom, and punishable in secular clergymen, by the loss of their eyes and by castration, in regulars by amputation of their feet, and in laies with death; and menacing with sequestration and banishment the persons themselves, as well as their kindred, who should pay obedience to any such interdict; and he further obliged all his subjects to swear to the observance of those orders.<sup>19</sup> These were edicts of the utmost importance, affected the lives and properties of all the subjects, and even changed, for the time, the national religion, by breaking off all communication with Rome; yet were they enacted by the sole authority of the king, and were derived entirely from his will and pleasure.

The spiritual powers, which, in the primitive church, were, in a great measure, dependent on the civil, had, by a gradual progress, reached an equality and independence; and though the limits of the two jurisdictions were difficult to ascertain or define, it was not impossible but, by moderation on both sides, government might still have been conducted in that imperfect and irregular manner which attends all human institutions. But as the ignorance of the age encouraged the ecclesiastics daily to extend their privileges, and even to advance maxims totally incompatible with civil government,<sup>20</sup> Henry had thought it high time to put an end to their pretensions, and formally, in a public council, to fix those powers which belonged to the magistrate, and which he was for the future determined to maintain. In this attempt he was led to reestablish customs which, though ancient, were beginning to be abolished by a contrary practice, and which were still more strongly opposed by the prevailing opinions and sentiments of the age.

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<sup>18</sup> Hist. Quad. p. 88,167. Hoveden, p. 496. M. Paris, p. 73,]

<sup>19</sup> "Quis dubitet," says Becket to the king, "sacerdotes Christi legum et principum omniumque fidelium patres et magistros censi," Epist. St. Thom. 97, 148.]

Principle, therefore, stood on the one side, power on the other; and if the English had been actuated by conscience more than by present interest, the controversy must soon, by the general defection of Henry's subjects, have been decided against him, Becket, in order to forward this event, filled all places with exclamations against the violence which he had suffered. He compared himself to Christ, who had been condemned by a lay tribunal,<sup>21</sup> and who was crucified anew in the present oppressions under which his church labored: he took it for granted, as a point incontestable, that his cause was the cause of God:<sup>22</sup> he assumed the character of champion for the patrimony of the divinity: he pretended to be the spiritual father of the king and all the people of England:<sup>23</sup> he even told Henry that kings reign solely by the authority of the church,<sup>24</sup> and though he had thus torn off the veil more openly on the one side than that prince had on the other, he seemed still, from the general favor borne him by the ecclesiastics, to have all the advantage in the argument. The king, that he might employ the weapons of temporal power remaining in his hands, suspended the payment of Peter's pence; he made advances towards an alliance with the emperor Frederic Barbarossa, who was at that time engaged in violent wars with Pope Alexander; he discovered some intentions of acknowledging Pascal III., the present antipope, who was protected by that emperor; and by these expedients he endeavored to terrify the enterprising though prudent pontiff from proceeding to extremities against him.

But the violence of Becket, still more than the nature of the controversy, <sup>1166.</sup> kept affairs from remaining long in suspense between the parties. That prelate, instigated by revenge, and animated by the present glory attending his situation, pushed matters to a decision, and issued a censure excommunicating the king's chief ministers by name, and comprehending in general all those who favored or obeyed the constitutions of Clarendon:

these constitutions he abrogated and annulled; he absolved all men from the oaths which they had taken to observe them; and he suspended the spiritual thunder over Henry himself only that the prince might avoid the blow by a timely repentance.<sup>25</sup>

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<sup>20</sup> Epist. St. Thom. p. 63, 105, 194.]

<sup>21</sup> Epist St. Thom. p. 29, 30, 31, 226.]

<sup>22</sup> Fitz-Steph. p. 46. Epist. St. Thom. p. 52,148.]

<sup>23</sup> Brady's Append. No. 56. Epist. St. Thom. p. 94,95, 97, 99,197. Roveden, p, 497.]

<sup>24</sup> Paris, p. 74. Beaulieu. Vie de St. Thom. p. 213. Erzst. St. Thom. p. 149, 229. Hoveden p. 499.]

The situation of Henry was so unhappy, that he could employ no expedient for saving his ministers from this terrible censure, but by appealing to the pope himself, and having recourse to a tribunal whose authority he had himself attempted to abridge in this very article of appeals, and which he knew was so deeply engaged on the side of his adversary. But even this expedient was not likely to be long effectual. Becket had obtained from the pope a legantine commission over England; and in virtue of that authority, which admitted of no appeal, he summoned the bishops of London, Salisbury, and others to attend him, and ordered, under pain of excommunication, the ecclesiastics, sequestered on his account, to be restored in two months to all their benefices. But John of Oxford, the king's agent with the pope, had the address to procure orders for suspending this sentence; and he gave the pontiff such hopes of a speedy reconciliation between the king and Becket, that two legates, William of Pavia and Otho, were sent to Normandy, where the king then resided, and they endeavored to find expedients for that purpose. But the pretensions of the parties were as yet too opposite to admit of an accommodation: the king required that all the constitutions of Clarendon should be ratified; Becket, that previously to any agreement, he and his adherents should be restored to their possessions; and as the legates had no power to pronounce a definite sentence on either side, the negotiation soon after

came to nothing. The cardinal of Pavia also, being much attached to Henry, took care to protract the negotiation; to mitigate the pope by the accounts which he sent of that prince's conduct, and to procure him every possible indulgence from the see of Rome. About this time, the king had also the address to obtain a dispensation for the marriage of his third son, Geoffrey, with the heiress of Brittany; a concession which, considering Henry's demerits towards the church, gave great scandal both to Becket, and to his zealous patron, the king of France.

The intricacies of the feudal law had, in that age, rendered the <sup>1167.</sup> boundaries of power between the prince and his vassals, and between one prince and another, as uncertain as those between the crown and the mitre; and all wars took their origin from disputes, which, had there been any tribunal possessed of power to enforce their decrees, ought to have been decided only before a court of judicature. Henry, in prosecution of some controversies in which he was involved with the count of Auvergne, a vassal of the duchy of Guienne, had invaded the territories of that nobleman; who had recourse to the king of France, his superior lord, for protection, and thereby kindled a war between the two monarchs. Bur the war was, as usual, no less feeble in its operations than it wail frivolous in its cause and object; and after occasioning some mutual depredations,<sup>26</sup> and some insurrections among the barons of Poictou and Guienne, was terminated by a peace. The terms of this peace were rather disadvantageous to Henry, and prove that that prince had, by reason of his contest with the church, lost the superiority which he had hitherto maintained over the crown of France; an additional motive to him for accommodating those differences.

The pope and the king began at last to perceive that, in the present situation of affairs, neither of them could expect a final and decisive victory over the other, and that they had more to fear than to hope from the duration of the controversy. Though the vigor of Henry's government had confirmed his authority in all his dominions, his throne might be shaken by a sentence of excommunication; and if England itself could, by its situation, be more easily guarded against the contagion of superstitious prejudices, his French provinces at least, whose communication was open with the neighboring states, would be much exposed, on that account, to

some great revolution or convulsion, He could not, therefore, reasonably imagine that the pope, while he retained such a check upon him, would formally recognize the constitutions of Clarendon, which both put an end to papal pretensions in England,<sup>27</sup> and would give an example to other states of asserting a like independency.<sup>28</sup>

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<sup>25</sup> Hoveden, p. 517. M. Paris, p. 75. Diecto, p. 547 p. 1402, 1403. Robert de Monte.]

<sup>26</sup> Epist. St. Thom, p. 230.]

<sup>27</sup> Epist. St. Thom, p. 276.]

Pope Alexander, on the other hand, being still engaged in dangerous wars with the emperor Frederic, might justly apprehend that Henry, rather than relinquish claims of such importance, would join the party of his enemy; and as the trials hitherto made of the spiritual weapons by Becket had not succeeded to his expectation, and every thing had remained quiet in all the king's dominions, nothing seemed impossible to the capacity and vigilance of so great a monarch. The disposition of minds on both sides, resulting from these circumstances, produced frequent attempts towards an accommodation; but as both parties knew that the essential articles of the dispute could not then be terminated, they entertained a perpetual jealousy of each other, and were anxious not to lose the least advantage in the negotiation. The nuncios, Gratian and Vivian, having received a commission to endeavor a reconciliation, met with the king in Normandy; and after all differences seemed to be adjusted, Henry offered to sign the treaty, with a salvo to his royal dignity; which gave such umbrage to Becket, that the negotiation in the end became fruitless, and the excommunications were renewed against the king's ministers. Another negotiation was conducted at Montmirail, in presence of the king of France and the French prelates where Becket also offered to make his submissions, with a salvo to the honor of God and the liberties of the church; which, for a like reason, was extremely offensive to the king, and rendered the treaty abortive,

A third conference, under the same mediation, was broken off, by Becket's insisting on a like reserve in his submissions; and even in a fourth treaty, when all the terms were adjusted, and when the primate expected to be introduced to the king, and to receive the kiss of peace, which it was usual for princes to grant in those times, and which was regarded as a sure pledge of forgiveness, Henry refused him that honor, under pretence that, during his anger, he had made a rash vow to that purpose. This formality served, among such jealous spirits, to prevent the conclusion of the treaty; and though the difficulty was attempted to be overcome by a dispensation which the pope granted to Henry from his vow, that prince could not be prevailed on to depart from the resolution which he had taken.

In one of these conferences, at which the French king was present, Henry said to that monarch, "There have been many kings of England, some of greater, some of less authority than myself: there have also been many archbishops of Canterbury, holy and good men, and entitled to every kind of respect: let Becket but act towards me with the same submission which the greatest of his predecessors have paid to the least of mine, and there shall be no controversy between us." Lewis was so struck with this state of the case, and with an offer which Henry made to submit his cause to the French clergy, that he could not forbear condemning the primate, and withdrawing his friendship from him during some time; but the bigotry of that prince, and their common animosity against Henry, soon produced a renewal of their former good correspondence.

All difficulties were at last adjusted between the parties; and the king <sup>1170</sup> allowed Becket to return, on conditions which may be esteemed both honorable and advantageous to that prelate. He was not required to give up any rights of the church, or resign any of those pretensions which had been the original ground of the controversy. It was agreed that all these questions should be buried in oblivion; but that Becket and his adherents should, without making further submission, be restored to all their livings, and that even the possessors of such benefices as depended on the see of Canterbury and had been filled during the primate's absence, should be expelled, and Becket have liberty to supply the vacancies.<sup>29</sup> In return for concessions which intrenched so deeply on the honor and dignity of the crown, Henry reaped only the advantage of seeing his ministers absolved



from the sentence of excommunication pronounced against them, and of preventing the interdict, which, if these hard conditions had not been complied with, was ready to be laid on all his dominions.<sup>30</sup> It was easy to see how much he dreaded that event, when a prince of so high a spirit could submit to terms so dishonorable, in order to prevent it. So anxious was Henry to accommodate all differences, and to reconcile himself fully with Becket, that he took the most extraordinary steps to flatter his vanity, and even on one occasion humiliated himself so far as to hold the stirrup of that haughty prelate while he mounted.<sup>31</sup>

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<sup>28</sup> Fitz-Steph. p. 68, 69. Hoveden, p. 520.]

<sup>29</sup> Hist Quad. p. 104. Brompton, p, 1062. Gervase, p. 1408, Epist. St. Thom. 704, 705, 706, 707, 792, 793, 794. Benedict. Abbas p. 70.]

<sup>30</sup> Epist. 45, lib. r]

But the king attained not even that temporary tranquillity which he had hoped to reap from these expedients. During the heat of his quarrel with Becket, while he was every day expecting an interdict to be laid on his kingdom, and a sentence of excommunication to be fulminated against his person, he had thought it prudent to have his son, Prince Henry, associated with him in the royalty, and to make him be crowned king, by the hands of Roger, archbishop of York. By this precaution, he both insured the succession of that prince, which, considering the many past irregularities in that point, could not but be esteemed somewhat precarious; and he preserved at least his family on the throne, if the sentence of excommunication should have the effect which he dreaded, and should make his subjects renounce their allegiance to him. Though his design was conducted with expedition and secrecy, Becket, before it was carried into execution, had got intelligence of it, and being desirous of obstructing all Henry's measures, as well as anxious to prevent this affront to himself, who pretended to the sole right, as archbishop of Canterbury, to officiate in the coronation, he had inhibited all the prelates of England from assisting at this ceremony, had procured from the pope a mandate to the same purpose, and had incited the king of France to protest against the

coronation of young Henry, unless the princess, daughter of that monarch, should at the same time receive the royal unction. There prevailed in that age an opinion which was akin to its other superstitions, that the royal unction was essential to the exercise of royal power: it was therefore natural, both for the king of France, careful of his daughter's establishment and for Becket, jealous of his own dignity, to demand, in the treaty with Henry, some satisfaction in this essential point. Henry, after apologizing to Lewis for the omission with regard to Margaret, and excusing it on account of the secrecy and despatch requisite for conducting that measure, promised that the ceremony should be renewed in the persons both of the prince and princess; and he assured Becket, that besides receiving the acknowledgments of Roger and the other bishops for the seeming affront put on the see of Canterbury, the primate should, as a further satisfaction, recover his rights by officiating in this coronation. But the violent spirit of Becket, elated by the power of the church, and by the victory which he had already obtained over his sovereign, was not content with this voluntary compensation, but resolved to make the injury, which he pretended to have suffered, a handle for taking revenge on all his enemies. On his arrival in England, he met the archbishop of York and the bishops of London and Salisbury, who were on their journey to the king in Normandy. He notified to the archbishop the sentence of suspension, and to the two bishops that of excommunication, which, at his solicitation, the pope had pronounced against them. Reginald de Warrenne and Gervase de Cornhill, two of the king's ministers, who were employed on their duty in Kent, asked him, on hearing of this bold attempt whether he meant to bring fire and sword into the kingdom. But the primate, heedless of the reproof, proceeded in the most ostentatious manner to take possession of his diocese in Rochester and all the towns through which he passed, he was received with the shouts and acclamations of the populace. As he approached Southwark, the clergy, the laity, men of all ranks and ages, came forth to meet him, and celebrated with hymns of joy his triumphant entrance. And though he was obliged, by order of the young prince, who resided at Woodstock, to return to his diocese, he found that he was not mistaken, when he reckoned upon the highest veneration of the public towards his person and his dignity. He proceeded, therefore, with the more courage to dart his spiritual thunders. He issued the sentence of

excommunication against Robert de Broc and Nigel de Sackville, with many others, who either had assisted at the coronation of the prince, or been active in the late persecution of the exiled clergy. This violent measure, by which he, in effect, denounced war against the king himself, is commonly ascribed to the vindictive disposition and imperious character of Becket; but as this prelate was also a man of acknowledged abilities, we are not in his passions alone to look for the cause of his conduct, when he proceeded to these extremities against his enemies. His sagacity had led him to discover all Henry's intentions; and he proposed, by this bold and unexpected assault, to prevent the execution of them.

The king, from his experience of the dispositions of his people, was become sensible that his enterprise had been too bold, in establishing the constitutions of Clarendon, in defining all the branches of royal power, and in endeavoring to extort from the church of England, as well as from the pope, an express avowal of these disputed prerogatives. Conscious also of his own violence in attempting to break or subdue the inflexible primate, he was not displeased to undo that measure which had given his enemies such advantage against him, and he was contented that the controversy should terminate in that ambiguous manner, which was the utmost that princes, in those ages, could hope to attain in their disputes with the see of Rome. Though he dropped for the present the prosecution of Becket, he still reserved to himself the right of maintaining, that the constitutions of Clarendon, the original ground of the quarrel, were both the ancient customs and the present law of the realm; and though he knew that the papal clergy asserted them to be impious in themselves, as well as abrogated by the sentence of the sovereign pontiff, he intended, in spite of their clamors, steadily to put those laws in execution, and to trust to his own abilities, and to the course of events, for success in that perilous enterprise. He hoped that Becket's experience of a six years' exile would, after his pride was fully gratified by his restoration, be sufficient to teach him more reserve in his opposition; or if any controversy arose, he expected thenceforth to engage in a more favorable cause, and to maintain with advantage, while the primate was now in his power, the ancient and undoubted customs of the kingdom against the usurpations of the clergy. But Becket, determined not to betray the ecclesiastical privileges by his connivance, and apprehensive lest a prince of such profound policy, if

allowed to proceed in his own way, might probably in the end prevail, resolved to take all the advantage which his present victory gave him, and to disconcert the cautious measures of the king, by the vehemence and rigor of his own conduct. Assured of support from Rome, he was little intimidated by dangers which his courage taught him to despise, and which, even if attended with the most fatal consequences, would serve only to gratify his ambition and thirst of glory.

When the suspended and excommunicated prelates arrived at Baieux, where the king then resided, and complained to him of the violent proceedings of Becket, he instantly perceived the consequences; was sensible that his whole plan of operations was overthrown; foresaw that the dangerous contest between the civil and spiritual powers, a contest which he himself had first roused, but which he had endeavored, by all his late negotiations and concessions, to appease, must come to an immediate and decisive issue; and he was thence thrown into the most violent commotion. The archbishop of York remarked to him, that so long as Becket lived, he could never expect to enjoy peace or tranquillity. The king himself, being vehemently agitated, burst forth into an exclamation against his servants, whose want of zeal, he said, had so long left him exposed to the enterprises of that ungrateful and imperious prelate. Four gentlemen of his household, Reginald Fitz-Urse, William de Traci, Hugh de Moreville, and Richard Brito, taking these passionate expressions to be a hint for Becket's death, immediately communicated their thoughts to each other; and swearing to avenge their prince's quarrel secretly withdrew from court. Some menacing expressions which they had dropped, gave a suspicion of their design; and the king despatched a messenger after them, charging them to attempt nothing against the person of the primate; but these orders arrived too late to prevent their fatal purpose. The four assassins, though they took different roads to England, arrived nearly about the same time at Saltwoode, near Canterbury; and being there joined by some assistants, they proceeded in a great haste to the archiepiscopal palace. They found the primate, who trusted entirely to the sacredness of his character, very slenderly attended; and though they threw out many menaces and reproaches against him, he was so incapable of fear, that, without using any precautions against their violence, he immediately went to St. Benedict's church, to hear vespers.

They followed him thither, attacked him before the altar, and having cloven his head with many blows, retired without meeting any opposition. This was the tragical end of Thomas à Becket, a prelate of the most lofty, intrepid, and inflexible spirit, who was able to cover to the world, and probably to himself, the enterprises of pride and ambition, under the disguise of sanctity, and of zeal for the interests of religion; an extraordinary personage, surely, had he been allowed to remain in his first station, and had directed the vehemence of his character to the support of law and justice; instead of being engaged, by the prejudices of the times, to sacrifice all private duties and public connections to ties which he imagined, or represented, as superior to every civil and political consideration. But no man, who enters into the genius of that age, can reasonably doubt of this prelate's sincerity. The spirit of superstition was so prevalent, that it infallibly caught every careless reasoner, much more every one whose interest, and honor, and ambition were engaged to support it. All the wretched literature of the times was enlisted on that side. Some faint glimmerings of common sense might sometimes pierce through the thick cloud of ignorance, or, what was worse, the illusions of perverted science, which had blotted out the sun, and enveloped the face of nature; but those who preserved themselves untainted by the general contagion, proceeded on no principles which they could pretend to justify; they were more indebted to their total want of instruction than to their knowledge, if they still retained some share of understanding; folly was possessed of all the schools as well as all the churches; and her votaries assumed the garb of philosophers, together with the ensigns of spiritual dignities. Throughout that large collection of letters which bears the name of St. Thomas, we find, in all the retainers of that aspiring prelate, no less than in himself, a most entire and absolute conviction of the reason and piety of their own party, and a disdain of their antagonists; nor is there less cant and grimace in their style, when they address each other, than when they compose manifestoes for the perusal of the public. The spirit of revenge, violence, and ambition which accompanied their conduct, instead of forming a presumption of hypocrisy, are the surest pledges of their sincere attachment to a cause which so much flattered these domineering passions.

Henry, on the first report of Becket's violent measures, had purposed to have him arrested, and had already taken some steps towards the execution of that design; but the intelligence of his murder threw the prince into great consternation; and he was immediately sensible of the dangerous consequences which he had reason to apprehend from so unexpected an event. An archbishop of reputed sanctity assassinated before the altar, in the exercise of his functions, and on account of his zeal in maintaining ecclesiastical privileges, must attain the highest honors of martyrdom; while his murderer would be ranked among the most bloody tyrants that ever were exposed to the hatred and detestation of mankind. Interdicts and excommunications, weapons in themselves so terrible, would, he foresaw, be armed with double force, when employed in a cause so much calculated to work on the human passions, and so peculiarly adapted to the eloquence of popular preachers and declaimers. In vain would he plead his own innocence, and even his total ignorance of the fact; he was sufficiently guilty, if the church thought proper to esteem him such; and his concurrence in Becket's martyrdom, becoming a religious opinion, would be received with all the implicit credit which belonged to the most established articles of faith. These considerations gave the king the most unaffected concern; and as it was extremely his interest to clear himself from all suspicion, he took no care to conceal the depth of his affliction. He shut himself up from the light of day, and from all commerce with his servants; he even refused, during three days, all food and sustenance; the courtiers, apprehending dangerous effects from his despair were at last obliged to break in upon his solitude; and they employed every topic of consolation, induced him to accept of nourishment, and occupied his leisure in taking precautions against the consequences which he so justly apprehended from the murder of the primate.

The point of chief importance to Henry was to convince the pope of his <sup>1171</sup> innocence; or rather, to persuade him that he would reap greater advantages from the submissions of England than from proceeding to extremities against that kingdom. The archbishop of Rouen, the bishops of Worcester and Evreux, with five persons of inferior quality, were immediately despatched to Rome, and orders were given them to perform their journey with the utmost expedition. Though the name and authority of the court of Rome were so terrible in the remote countries of Europe,

which were sunk in profound ignorance, and were entirely unacquainted with its character and conduct, the pope was so little revered at home, that his inveterate enemies surrounded the gates of Rome itself, and even controlled his government in that city; and the ambassadors, who, from a distant extremity of Europe, carried to him the humble, or rather abject submissions of the greatest potentate of the age, found the utmost difficulty to make their way to him and to throw themselves at his feet. It was at length agreed that Richard Barre, one of their number, should leave the rest behind, and run all the hazards of the passage, in order to prevent the fatal consequences which might ensue from any delay in giving satisfaction to his holiness. He found, on his arrival, that Alexander was already wrought up to the greatest rage against the king, that Becket's partisans were daily stimulating him to revenge, that the king of France had exhorted him to fulminate the most dreadful sentence against England, and that the very mention of Henry's name before the sacred college, was received with every expression of horror and execration.

The Thursday before Easter was now approaching, when it is customary for the pope to denounce annual curses against all his enemies; and it was expected that Henry should, with all the preparations peculiar to the discharge of that sacred artillery, be solemnly comprehended in the number. But Barre found means to appease the pontiff, and to deter him from a measure which, if it failed of success, could not afterwards be easily recalled: the anathemas were only levelled in general against all the actors, accomplices and abettors of Becket's murder. The abbot of Valasse, and the archdeacons of Salisbury and Lisieux, with others of Henry's ministers, who soon after arrived, besides asserting their prince's innocence, made oath before the whole consistory, that he would stand to the pope's judgment in the affair, and make every submission that should be required of him. The terrible blow was thus artfully eluded; the cardinals Albert and Theodin were appointed legates to examine the cause, and were ordered to proceed to Normandy for that purpose; and though Henry's foreign dominions were already laid under an interdict by the archbishop of Sens, Becket's great partisan, and the pope's legate in France, the general expectation that the monarch would easily exculpate himself from any concurrence in the guilt, kept every one in suspense, and prevented all the bad consequences which might be dreaded from that sentence.

The clergy, meanwhile, though their rage was happily diverted from falling on the king, were not idle in magnifying the sanctity of Becket, in extolling the merits of his martyrdom, and in exalting him above all that devoted tribe who, in several ages, had, by their blood, cemented the fabric of the temple. Other saints had only borne testimony by their sufferings to the general doctrines of Christianity; but Becket had sacrificed his life to the power and privileges of the clergy; and this peculiar merit challenged, and not in vain, a suitable acknowledgment to his memory. Endless were the panegyrics on his virtues; and the miracles wrought by his relics were more numerous, more nonsensical, and more impudently attested than those which ever filled the legend of any confessor or martyr. Two years after his death, he was canonized by Pope Alexander; a solemn jubilee was established for celebrating his merits; his body was removed to a magnificent shrine, enriched with presents from all parts of Christendom; pilgrimages were performed to obtain his intercession with Heaven, and it was computed, that in one year above a hundred thousand pilgrims arrived in Canterbury, and paid their devotions at his tomb. It is indeed a mortifying reflection to those who are actuated by the love of fame, so justly denominated the last infirmity of noble minds, that the wisest legislator and most exalted genius that ever reformed or enlightened the world, can never expect such tributes of praise as are lavished on the memory of pretended saints, whose whole conduct was probably to the last degree odious or contemptible, and whose industry was entirely directed to the pursuit of objects pernicious to mankind. It is only a conqueror, a personage no less entitled to our hatred, who can pretend to the attainment of equal renown and glory.

It may not be amiss to remark, before we conclude this subject of Thomas à Becket, that the king, during his controversy with that prelate, was on every occasion more anxious than usual to express his zeal for religion, and to avoid all appearance of a profane negligence on that head. He gave his consent to the imposing of a tax on all his dominions, for the delivery of the Holy Land, now threatened by the famous Saladine: this tax amounted to twopence a pound for one year, and a penny a pound for the four subsequent.<sup>32</sup> Almost all the princes of Europe laid a like imposition on their subjects, which received the name of Saladine's tax. During this period there came over from Germany about thirty heretics of



both sexes, under the direction of one Gerard, simple, ignorant people, who could give no account of their faith, but declared themselves ready to suffer for the tenets of their master. They made only one convert in England, a woman as ignorant as themselves; yet they gave such umbrage to the clergy, that they were delivered over to the secular arm, and were punished by being burned on the forehead, and then whipped through the streets. They seemed to exult in their sufferings, and as they went along sung the beatitude, “Blessed are ye, when men hate you and persecute you.”<sup>33</sup>.....

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<sup>31</sup>..... Gervase, p. 1399. M. Paris, p. 74.]

<sup>32</sup>..... Neubr. p. 391. M. Pang, p. 74. Heining. p. 494.]

After they were whipped, they were thrust out almost naked in the midst of winter, and perished through cold and hunger; no one daring, or being willing, to give them the least relief. We are ignorant of the particular tenets of these people; for it would be imprudent to rely on the representations left of them by the clergy, who affirm, that they denied the efficacy of the sacraments and the unity of the church. It is probable that their departure from the standard of orthodoxy was still more subtile and minute. They seem to have been the first that ever suffered for heresy in England.

As soon as Henry found that he was in no immediate danger from the thunders of the Vatican, he undertook an expedition against Ireland; a design which he had long projected, and by which he hoped to recover his credit, somewhat impaired by his late transactions with the hierarchy.



## CHAPTER 9.

### HENRY II.

As Britain was first peopled from Gaul, so was Ireland probably from <sup>1172</sup>. Britain; and the inhabitants of all these countries seem to have been so many tribes of the Celtae, who derive their origin from an antiquity that lies far beyond the records of any history or tradition. The Irish, from the beginning of time, had been buried in the most profound barbarism and ignorance; and as they were never conquered or even invaded by the Romans, from whom all the western world derived its civility, they continued still in the most rude state of society, and were distinguished by those vices alone, to which human nature, not tamed by education or restrained by laws, is forever subject. The small principalities into which they were divided, exercised perpetual rapine and violence against each other: the uncertain succession of their princes was a continual source of domestic convulsions; the usual title of each petty sovereign was the murder of his predecessor; courage and force, though exercised in the commission of crimes, were more honored than any pacific virtues; and the most simple arts of life, even tillage and agriculture, were almost wholly unknown among them. They had felt the invasions of the Danes and the other northern tribes; but these inroads, which had spread barbarism in other parts of Europe, tended rather to improve the Irish; and the only towns which were to be found in the island, had been planted along the coast by the freebooters of Norway and Denmark. The other inhabitants exercised pasturage in the open country, sought protection from any danger in their forests and morasses, and being divided by the fiercest animosities against each other, were still more intent on the means of mutual injury than on the expedients for common or even for private interest.

Besides many small tribes, there were in the age of Henry II. five principal sovereignties in the island, Minister, Leinster Meath, Ulster, and Connaught; and as it had been usual for the one or the other of these to take the lead in their wars, there was commonly some prince, who seemed, for the time, to act as monarch of Ireland. Roderic O'Connor, king of

Connaught, was then advanced to this dignity;<sup>1</sup> but his government, ill obeyed even within his own territory, could not unite the people in any measures, either for the establishment of order, or for defence against foreigners.

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<sup>1</sup> Hoveden, p. 527]

The ambition of Henry had, very early in his reign, been moved, by the prospect of these advantages, to attempt the subjecting of Ireland; and a pretence was only wanting to invade a people who, being always confined to their own island, had never given any reason of complaint to any of their neighbors. For this purpose he had recourse to Rome, which assumed a right to dispose of kingdoms and empires; and not foreseeing the dangerous disputes which he was one day to maintain with that see, he helped, for present, or rather for an imaginary convenience, to give sanction to claims which were now become dangerous to all sovereigns. Adrian III., who then filled the papal chair, was by birth an Englishman; and being on that account the more disposed to oblige Henry, he was easily persuaded to act as master of the world, and to make, without any hazard or expense, the acquisition of a great island to his spiritual jurisdiction. The Irish had, by precedent missions from the Britons, been imperfectly converted to Christianity; and, what the pope regarded as the surest mark of their imperfect conversion, they followed the doctrines of their first teachers, and had never acknowledged any subjection to the see of Rome. Adrian, therefore, in the year 1156 issued a bull in favor of Henry; in which, after premising that this prince had ever shown an anxious care to enlarge the church of God on earth, and to increase the number of his saints and elect in heaven, he represents his design of subduing Ireland as derived from the same pious motives: he considers his care of previously applying for the apostolic sanction as a sure earnest of success and victory; and having established it as a point incontestable, that all Christian kingdoms belong to the patrimony of St. Peter, he acknowledges it to be his own duty to sow among them the seeds of the gospel, which might in the last day fructify to their eternal salvation: he exhorts the king to invade Ireland, in order to extirpate the vice and

wickedness of the natives, and oblige them to pay yearly, from every house a penny to the see of Rome: he gives him entire right and authority over the island, commands all the inhabitants to obey him as their sovereign, and invests with full power all such godly instruments as he should think proper to employ in an enterprise thus calculated for the glory of God and the salvation of the souls of men.<sup>2</sup> Henry, though armed with this authority, did not immediately put his design in execution; but being detained by more interesting business on the continent, waited for a favorable opportunity of invading Ireland. Dermot Macmorrogh, king of Leinster, had, by his licentious tyranny, rendered himself odious to his subjects, who seized with alacrity the first occasion that offered of throwing off the yoke, which was become grievous and oppressive to them. This prince had formed a design on Dovergilda, wife of Ororic, prince of Breffny; and taking advantage of her husband's absence, who, being obliged to visit a distant part of his territory, had left his wife secure, as he thought, in an island surrounded by a bog, he suddenly invaded the place, and carried off the princess.<sup>3</sup> This exploit, though usual among the Irish, and rather deemed a proof of gallantry and spirit,<sup>4</sup> provoked the resentment of the husband; who, having collected forces, and being strengthened by the alliance of Roderic, king of Connaught, invaded the dominions of Dermot, and expelled him his kingdom. The exiled prince had recourse to Henry, who was at this time in Guienne, craved his assistance in restoring him to his sovereignty, and offered, on that event, to hold his kingdom in vassalage under the crown of England. Henry, whose views were already turned towards making acquisitions in Ireland, readily accepted the offer; but being at that time embarrassed by the rebellions of his French subjects, as well as by his disputes with the see of Rome, he declined, for the present, embarking in the enterprise, and gave Dermot no further assistance than letters patent, by which he empowered all his subjects to aid the Irish prince in the recovery of his dominions.<sup>5</sup>

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<sup>2</sup> M. Paris, p. 67. Girali. Camltr. Spel. Conclil. vol. ii. p. 51. Rymer, vol. i. p. 15.]

<sup>3</sup> Girald. Cambr. p. 760]

<sup>4</sup> Spencer, vol. vi.]

Dermot, supported by this authority, came to Bristol; and after endeavoring, though for some time in vain, to engage adventurers in the enterprise, he at last formed a treaty with Richard, surnamed Strongbow, earl of Strigul. This nobleman, who was of the illustrious house of Clare, had impaired his fortune by expensive pleasures; and being ready for any desperate undertaking, he promised assistance to Dermot, on condition that he should espouse Eva, daughter of that prince, and be declared heir to all his dominions. While Richard was assembling his succors, Dermot went into Wales; and meeting with Robert Fitz-Stephens, constable of Abertivi, and Maurice Fitz-Gerald he also engaged them in his service, and obtained their promise of invading Ireland. Being now assured of succor, he returned privately to his own state; and lurking in the monastery of Fernes, which he had founded, (for this ruffian was also a founder of monasteries,) he prepared every thing for the reception of his English allies.

The troops of Fitz-Stephens were first ready. That gentleman landed in Ireland with thirty knights, sixty esquires, and three hundred archers; but this small body, being brave men, not unacquainted with discipline, and completely armed,—a thing almost unknown in Ireland,—struck a great terror into the barbarous inhabitants, and seemed to menace them with some signal revolution. The conjunction of Maurice de Prendergast, who, about the same time, brought over ten knights and sixty archers, enabled Fitz-Stephens to attempt the siege of Wexford, a town inhabited by the Danes; and after gaining an advantage, he made himself master of the place. Soon after, Fitz-Gerald arrived with ten knights, thirty esquires, and a hundred archers; and being joined by the former adventurers, composed a force which nothing in Ireland was able to withstand. Roderic, the chief monarch of the island, was foiled in different actions: the prince of Ossory was obliged to submit, and give hostages for his peaceable behavior; and Dermot, not content with being restored to his kingdom of Leinster, projected the dethroning of Roderic, and aspired to the sole dominion over the Irish.

In prosecution of these views, he sent over a messenger to the earl of Strigul, challenging the performance of his promise, and displaying the mighty advantages which might now be reaped by a reënforcement of warlike troops from England. Richard, not satisfied with the general allowance given by Henry to all his subjects, went to that prince, then in Normandy, and having obtained a cold or ambiguous permission, prepared himself for the execution of his designs. He first sent over Raymond, one of his retinue, with ten knights and seventy archers, who, landing near Waterford, defeated a body of three thousand Irish that had ventured to attack him, and as Richard himself, who brought over two hundred horse and a body of archers, joined, a few days after, the victorious English, they made themselves masters of Waterford, and proceeded to Dublin, which was taken by assault. Roderic, in revenge, cut off the head of Dermot's natural son, who had been left as a hostage in his hands; and Richard, marrying Eva, became soon after, by the death of Dermot, master of the kingdom of Leinster, and prepared to extend his authority over all Ireland. Roderic, and the other Irish princes, were alarmed at the danger; and combining together, besieged Dublin with an army of thirty thousand men; but Earl Richard, making a sudden sally at the head of ninety knights with their followers, put this numerous army to rout, chased them off the field, and pursued them with great slaughter. None in Ireland now dared to oppose themselves to the English.

Henry, jealous of the progress made by his own subjects, sent orders to recall all the English, and he made preparations to attack Ireland in person; but Richard and the other adventurers found means to appease him, by making him the most humble submissions, and offering to hold all their acquisitions in vassalage to his crown. That monarch landed in Ireland at the head of five hundred knights, besides other soldiers; he found the Irish so dispirited by their late misfortunes, that, in a progress which he made through the island, he had no other occupation than to receive the homage of his new subjects. He left most of the Irish chieftains or princes in possession of their ancient territories; bestowed some lands on the English adventurers; gave Earl Richard the commission of seneschal of Ireland; and after a stay of a few months, returned in triumph to England. By these trivial exploits, scarcely worth relating, except for the

importance of the consequences, was Ireland subdued, and annexed to the English crown.

The low state of commerce and industry during those ages made it impracticable for princes to support regular armies, which might retain a conquered country in subjection; and the extreme barbarism and poverty of Ireland could still less afford means of bearing the expense. The only expedient by which a durable conquest could then be made or maintained, was by pouring in a multitude of new inhabitants, dividing among them the lands of the vanquished, establishing them in all offices of trust and authority, and thereby transforming the ancient inhabitants into a new people. By this policy the northern invaders of old, and of late the duke of Normandy, had been able to fix their dominions, and to erect kingdoms which remained stable on their foundations, and were transmitted to the posterity of the first conquerors. But the state of Ireland rendered that island so little inviting to the English, that only a few of desperate fortunes could be persuaded, from time to time, to transport themselves thither; and instead of reclaiming the natives from their uncultivated manners, they were gradually assimilated to the ancient inhabitants, and degenerated from the customs of their own nation. It was also found requisite to bestow great military and arbitrary powers on the leaders, who commanded a handful of men amidst such hostile multitudes; and law and equity, in a little time, became as much unknown in the English settlements, as they had ever been among the Irish tribes. Palatinates were erected in favor of the new adventurers; independent authority conferred; the natives, never fully subdued, still retained their animosity against the conquerors; their hatred was retaliated by like injuries; and from these causes the Irish, during the course of four centuries, remained still savage and untractable: it was not till the latter end of Elizabeth's reign, that the island was fully subdued; nor till that of her successor, that it gave hopes of becoming a useful conquest to the English nation.

Besides that the easy and peaceable submission of the Irish left Henry no further occupation in that island, he was recalled from it by another incident, which was of the last importance to his interest and safety. The two legates, Albert and Theodin, to whom was committed the trial of his conduct in the murder of Archbishop Becket, were arrived in Normandy;

and being impatient of delay, sent him frequent letters, full of menaces, if he protracted any longer making his appearance before them. He hastened therefore to Normandy, and had a conference with them at Savigny, where their demands were so exorbitant, that he broke off the negotiation, threatened to return to Ireland, and bade them do their worst against him. They perceived that the season was now past for taking advantage of that tragical incident; which, had it been hotly pursued by interdicts and excommunications, was capable of throwing the whole kingdom into combustion. But the time which Henry had happily gained, had contributed to appease the minds of men; the event could not now have the same influence as when it was recent; and as the clergy every day looked for an accommodation with the king, they had not opposed the pretensions of his partisans, who had been very industrious in representing to the people his entire innocence in the murder of the primate, and his ignorance of the designs formed by the assassins. The legates, therefore, found themselves obliged to lower their terms; and Henry was so fortunate as to conclude an accommodation with them. He declared upon oath, before the relics of the saints, that so far from commanding or desiring the death of the arch bishop, he was extremely grieved when he received intelligence of it; but as the passion which he had expressed on account of that prelate's conduct, had probably been the occasion of his murder, he stipulated the following conditions as an atonement for the offence. He promised, that he should pardon all such as had been banished for adhering to Becket, and should restore them to their livings; that the see of Canterbury should be reinstated in all its ancient possessions; that he should pay the templars a sum of money sufficient for the subsistence of two hundred knights during a year in the Holy Land; that he should himself take the cross at the Christmas following, and, if the pope required it, serve three years against the infidels, either in Spain or Palestine; that he should not insist on the observance of such customs derogatory to ecclesiastical privileges, as had been introduced in his own time; and that he should not obstruct appeals to the pope in ecclesiastical causes, but should content himself with exacting sufficient security from such clergymen as left his dominions to prosecute an appeal, that they should attempt nothing against the rights of his crown. Upon signing these concessions, Henry received absolution



from the legates, and was confirmed in the grant of Ireland made by Pope Adrian; and nothing proves more strongly the great abilities of this monarch than his extricating himself on such easy terms from so difficult a situation. He had always insisted, that the laws established at Clarendon contained not any new claims, but the ancient customs of the kingdom; and he was still at liberty, notwithstanding the articles of this agreement, to maintain his pretensions. Appeals to the pope were indeed permitted by that treaty; but as the king was also permitted to exact reasonable securities from the parties, and might stretch his demands on this head as far as he pleased, he had it virtually in his power to prevent the pope from reaping any advantage by this seeming concession. And on the whole, the constitutions of Clarendon remained still the law of the realm; though the pope and his legates seem so little to have conceived the king's power to lie under any legal limitations, that they were satisfied with his departing, by treaty, from one of the most momentous articles of these constitutions, without requiring any repeal by the states of the kingdom.

Henry, freed from this dangerous controversy with the ecclesiastics and with the see of Rome, seemed now to have reached the pinnacle of human grandeur and felicity, and to be equally happy in his domestic situation and in his political government. A numerous progeny of sons and daughters gave both lustre and authority to his crown, prevented the danger of a disputed succession, and repressed all pretensions of the ambitious barons. The king's precaution also, in establishing the several branches of his family, seemed well calculated to prevent all jealousy among the brothers, and to perpetuate the greatness of his family. He had appointed Henry, his eldest son, to be his successor in the kingdom of England, the duchy of Normandy, and the counties of Anjou, Maine, and Touraine; territories which lay contiguous, and which, by that means, might easily lend to each other mutual assistance both against intestine commotions and foreign invasions. Richard, his second son, was invested in the duchy of Guienne and county of Poictou; Geoffrey, his third son, inherited, in right of his wife, the duchy of Brittany, and the new conquest of Ireland was destined for the appanage of John, his fourth son. He had also negotiated, in favor of this last prince, a marriage with Adelais, the only daughter of Humbert, count of Savoy and Maurienne; and was to receive as her dowry considerable demesnes in Piedmont, Savoy, Bresse,

and Dauphiny. But this exaltation of his family excited the jealousy of all his neighbors, who made those very sons, whose fortunes he had so anxiously established, the means of imbittering his future life, and disturbing his government.

Young Henry, who was rising to man's estate, began to display his character, and aspire to independence: brave, ambitious, liberal, munificent, affable: he discovered qualities which give great lustre to youth; prognosticate a shining fortune; but, unless tempered in mature age with discretion, are the forerunners of the greatest calamities. It is said that at the time when this prince received the holy unction, his father, in order to give greater dignity to the ceremony, officiated at table as one of the retinue; and observed to his son that never king was more royally served. "It is nothing extraordinary," said young Henry to one of his courtiers, "if the son of a count should serve the son of a king." This saying, which might pass only for an innocent pleasantry, or even for an oblique compliment to his father, was, however, regarded as a symptom of his aspiring temper; and his conduct soon after justified the conjecture.

Henry, agreeable to the promise which he had given both to the pope <sup>1173</sup> and French king, permitted his son to be crowned anew by the hands of the archbishop of Rouen, and associated the Princess Margaret, spouse to young Henry, in the ceremony.<sup>6</sup> He afterwards allowed him to pay a visit to his father-in-law at Paris, who took the opportunity of instilling into the young prince those ambitious sentiments to which he was naturally but too much inclined.

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<sup>6</sup> Hoveden, p. 529. Diceto, p. 560. Brompton, p. 1080. Gervase, p. 1421. Trivet, p. 58. It appears from Madox's History of the Exchequer, that silk garments were then known in England, and that the coronation robes of the young king and queen cost eighty-seven pounds ten shillings and fourpence, money of that age.]

Though it had been the constant practice of France, ever since the accession of the Capetian line, to crown the son during the lifetime of the father without conferring on him any present participation of royalty; Lewis persuaded his son-in-law, that, by this ceremony, which in those

ages was deemed so important, he had acquired a title to sovereignty, and that the king could not, without injustice, exclude him from immediate possession of the whole, or at least a part of his dominions. In consequence of these extravagant ideas, young Henry, on his return, desired the king to resign to him either the crown of England or the duchy of Normandy; discovered great discontent on the refusal; spake in the most undutiful terms of his father; and soon after, in concert with Lewis, made his escape to Paris, where he was protected and supported by that monarch.

While Henry was alarmed at this incident, and had the prospect of dangerous intrigues, or even of a war, which, whether successful or not, must be extremely calamitous and disagreeable to him, he received intelligence of new misfortunes, which must have affected him in the most sensible manner. Queen Eleanor, who had disgusted her first husband by her gallantries, was no less offensive to her second by her jealousy; and after this manner carried to extremity, in the different periods of her life, every circumstance of female weakness. She communicated her discontents against Henry to her two younger sons, Geoffrey and Richard; persuaded them that they were also entitled to present possession of the territories assigned to them; engaged them to fly secretly to the court of France; and was meditating herself an escape to the same court, and had even put on man's apparel for that purpose, when she was seized by orders from her husband, and thrown into confinement. Thus Europe saw with astonishment the best and most indulgent of parents at war with his whole family; three boys, scarcely arrived at the age of puberty, require a great monarch, in the full vigor of his age and height of his reputation, to dethrone himself in their favor; and several princes not ashamed to support them in these unnatural and absurd pretensions.

Henry, reduced to this perilous and disagreeable situation, had recourse to the court of Rome. Though sensible of the danger attending the interposition of ecclesiastical authority in temporal disputes, he applied to the pope, as his superior lord, to excommunicate his enemies, and by these censures to reduce to obedience his undutiful children, whom he found such reluctance to punish by the sword of the magistrate.<sup>7</sup> Alexander, well pleased to exert his power in so justifiable a cause, issued the bulls

required of him; but it was soon found, that these spiritual weapons had not the same force as when employed in a spiritual controversy; and that the clergy were very negligent in supporting a sentence which was nowise calculated to promote the immediate interests of their order. The king, after taking in vain this humiliating step, was obliged to have recourse to arms, and to enlist such auxiliaries as are the usual resource of tyrants, and have seldom been employed by so wise and just a monarch.

The loose government which prevailed in all the states of Europe, the many private wars carried on among the neighboring nobles, and the impossibility of enforcing any general execution of the laws, had encouraged a tribe of banditti to disturb every where the public peace, to infest the highways, to pillage the open country, and to brave all the efforts of the civil magistrate, and even the excommunications of the church, which were fulminated against them. Troops of them were sometimes enlisted in the service of one prince or baron, sometimes in that of another: they often acted in an independent manner, under leaders of their own; the peaceable and industrious inhabitants, reduced to poverty by their ravages, were frequently obliged for subsistence to betake themselves to a like disorderly course of life; and a continual intestine war, pernicious to industry, as well as to the execution of justice, was thus carried on in the bowels of every kingdom. Those desperate ruffians received the name sometimes of Brabançons, sometimes of Routiers or Cottreaux; but for what reason is not agreed by historians; and they formed a kind of society or government among themselves, which set at defiance the rest of mankind. The greatest monarchs were not ashamed, on occasion, to have recourse to their assistance; and as their habits of war and depredation had given them experience, hardiness, and courage, they generally composed the most formidable part of those armies which decided the political quarrels of princes. Several of them were enlisted among the forces levied by Henry's enemies; but the great treasures amassed by that prince enabled him to engage more numerous troops of them in his service; and the situation of his affairs rendered even such banditti the only forces on whose fidelity he could repose any confidence.

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<sup>7</sup> Epist. Petri Bles. epist. 136, in Biblioth. Patr. tom. xxiv. p. 1048. His words are, "Vestrae jurisdictionis est regnum Angliæ, et quantum ad feudatorii

juris obligationem, vobis duntaxat obnoxius teneor." The same strange paper is in Rymer, vol. i. p. 35, and Trivet, vol. i. p. 62.]

His licentious barons, disgusted with a vigilant government, were more desirous of being ruled by young princes, ignorant of public affairs, remiss in their conduct, and profuse in their grants; and as the king had insured to his sons the succession to every particular province of his dominions, the nobles dreaded no danger in adhering to those who, they knew, must some time become their sovereigns. Prompted by these motives, many of the Norman nobility had deserted to his son Henry; the Breton and Gascon barons seemed equally disposed to embrace the quarrel of Geoffrey and Richard. Disaffection had crept in among the English; and the earls of Leicester and Chester in particular had openly declared against the king. Twenty thousand Brabançons, therefore, joined to some troops which he brought over from Ireland, and a few barons of approved fidelity, formed the sole force with which he intended to resist his enemies.

Lewis, in order to bind the confederates in a closer union, summoned at Paris an assembly of the chief vassals of the crown, received their approbation of his measures, and engaged them by oath to adhere to the cause of young Henry. This prince, in return, bound himself by a like tie never to desert his French allies; and having made a new great seal, he lavishly distributed among them many considerable parts of those territories which he purposed to conquer from his father. The counts of Flanders, Boulogne, Blois, and Eu, partly moved by the general jealousy arising from Henry's power and ambition, partly allured by the prospect of reaping advantage from the inconsiderate temper and the necessities of the young prince, declared openly in favor of the latter. William, king of Scotland, had also entered into this great confederacy; and a plan was concerted for a general invasion on different parts of the king's extensive and factious dominions.

Hostilities were first commenced by the counts of Flanders and Boulogne on the frontiers of Normandy. Those princes laid siege to Aumale, which was delivered into their hands by the treachery of the count of that name: this nobleman surrendered himself prisoner; and on pretence of thereby paying his ransom, opened the gates of all his other

fortresses. The two counts next besieged and made themselves masters of Drincourt; but the count of Boulogne was here mortally wounded in the assault; and this incident put some stop to the progress of the Flemish arms.

In another quarter, the king of France, being strongly assisted by his vassals, assembled a great army of seven thousand knights and their followers on horseback, and a proportionable number of infantry; carrying young Henry along with him he laid siege to Verneuil, which was vigorously defended by Hugh de Lacy and Hugh de Beauchamp, the governors. After he had lain a month before the place, the garrison, being straitened for provisions, were obliged to capitulate; and they engaged, if not relieved within three days, to surrender the town, and to retire into the citadel. On the last of these days, Henry appeared with his army upon the heights above Verneuil. Lewis, dreading an attack, sent the archbishop of Sens and the count of Blois to the English camp, and desired that next day should be appointed for a conference, in order to establish a general peace, and terminate the difference between Henry and his sons. The king, who passionately desired this accommodation, and suspected no fraud, gave his consent; but Lewis, that morning, obliging the garrison to surrender, according to the capitulation, set fire to the place, and began to retire with his army. Henry, provoked at this artifice, attacked the rear with vigor, put them to rout, did some execution, and took several prisoners. The French army, as their time of service was now expired, immediately dispersed themselves into their several provinces, and left Henry free to prosecute his advantages against his other enemies.

The nobles of Brittany, instigated by the earl of Chester and Ralph de Fougères, were all in arms; but their progress was checked by a body of Brabançons, which the king, after Lewis's retreat, had sent against them. The two armies came to an action near Dol, where the rebels were defeated, fifteen hundred killed on the spot, and the leaders, the earls of Chester and Fougères, obliged to take shelter in the town of Dol. Henry hastened to form the siege of that place, and carried on the attack with such ardor, that he obliged the governor and garrison to surrender themselves prisoners. By these rigorous measures and happy successes, the insurrections were entirely quelled in Brittany; and the king, thus

fortunate in all quarters, willingly agreed to a conference with Lewis, in hopes that his enemies, finding all their mighty efforts entirely frustrated, would terminate hostilities on some moderate and reasonable conditions.

The two monarchs met between Trie and Gisofs; and Henry had here the mortification to see his three sons in the retinue of his mortal enemy. As Lewis had no other pretence for war than supporting the claims of the young princes, the king made them such offers as children might be ashamed to insist on, and could be extorted from him by nothing but his parental affection, or by the present necessity of his affairs.<sup>8</sup> He insisted only on retaining the sovereign authority in all his dominions; but offered young Henry half the revenues of England, with some places of surety in that kingdom; or, if he rather chose to reside in Normandy, half the revenues of that duchy, with all those of Anjou. He made a like offer to Richard in Guienne; he promised to resign Brittany to Geoffrey; and if these concessions were not deemed sufficient, he agreed to add to them whatever the pope's legates, who were present, should require of him.<sup>9</sup> The earl of Leicester was also present at the negotiation; and either from the impetuosity of his temper, or from a view of abruptly breaking off a conference which must cover the allies with confusion, he gave vent to the most violent reproaches against Henry, and he even put his hand to his sword, as if he meant to attempt some violence against him. This furious action threw the whole company into confusion, and put an end to the treaty.<sup>10</sup>

The chief hopes of Henry's enemies seemed now to depend off the state of affairs in England, where his authority was exposed to the most imminent danger. One article of Prince Henry's agreement with his foreign confederates was, that he should resign Kent, with Dover, and all its other fortresses, into the hands of the earl of Flanders;<sup>11</sup> yet so little national or public spirit prevailed among the independent English nobility, so wholly bent were they on the aggrandizement each of himself and his own family, that, notwithstanding this pernicious concession, which must have produced the ruin of the kingdom, the greater part of them had conspired to make an insurrection, and to support the prince's pretensions.

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<sup>8</sup> Hoveden, p. 539.]

<sup>9</sup> Hoveden, p. 536. Brompton, p. 1085.]

<sup>10</sup> Hoveden, p. 536.]

<sup>11</sup> Hoveden, p. 533. Brompton, p. 1084. Gal. Neubr. p. 508.]

The king's principal resource lay in the church and the bishops with whom he was now in perfect agreement; whether that the decency of their character made them ashamed of supporting so unnatural a rebellion, or that they were entirely satisfied with Henry's atonement for the murder of Becket and for his former invasion of ecclesiastical immunities. That prince, however, had resigned none of the essential rights of his crown in the accommodation: he maintained still the same prudent jealousy of the court of Rome; admitted no legate into England, without his swearing to attempt nothing against the royal prerogatives; and he had even obliged the monks of Canterbury, who pretended to a free election on the vacancy made by the death of Becket, to choose Roger, prior of Dover, in the place of that turbulent prelate.<sup>12</sup>

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<sup>12</sup> Hoveden, p. 537.]

The king of Scotland made an irruption into Northumberland, and committed great devastations; but being opposed by Richard de Lucy, whom Henry had left guardian of the realm, he retreated into his own country, and agreed to a cessation of arms. This truce enabled the guardian to march southwards with his army, in order to oppose an invasion which the earl of Leicester, at the head of a great body of Flemings, had made upon Suffolk. The Flemings had been joined by Hugh Bigod, who made them masters of his castle of Framlingham; and marching into the heart of the kingdom, where they hoped to be supported by Leicester's vassals, they were met by Lucy, who, assisted by Humphry Bohun, the constable, and the earls of Arundel, Gloucester, and Cornwall, had advanced to Farnham with a less numerous, but braver army to oppose them. The Flemings, who were mostly weavers and artificers, (for manufactures were now beginning to be established in Flanders,) were



broken in an instant, ten thousand of them were put to the sword, the earl of Leicester was taken prisoner, and the remains of the invaders were glad to compound for a safe retreat into their own country.

This great defeat did not dishearten the malecontents; who, being <sup>1174</sup> supported by the alliance of so many foreign princes, and encouraged by the king's own sons, determined to persevere in their enterprise. The earl of Ferrars, Roger de Moubray, Archetil de Mallory, Richard de Moreville, Hamo de Mascie, together with many friends of the earls of Leicester and Chester, rose in arms: the fidelity of the earls of Clare and Gloucester was suspected; and the guardian, though vigorously supported by Geoffrey, bishop of Lincoln, the king's natural son by the fair Rosamond, found it difficult to defend himself, on all quarters, from so many open and concealed enemies. The more to augment the confusion, the king of Scotland, on the expiration of the truce, broke into the northern provinces with a great army<sup>13</sup> of eighty thousand men; which, though undisciplined and disorderly, and better fitted for committing devastation, than for executing any military enterprise, was become dangerous from the present factious and turbulent spirit of the kingdom.

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<sup>13</sup> W. Heming. p. 501.]

Henry, who had baffled all his enemies in France, and had put his frontiers in a posture of defence, now found England the seat of danger; and he determined by his presence to overawe the malecontents, or by his conduct and courage to subdue them. He lauded at Southampton; and knowing the influence of superstition over the minds of the people, he hastened to Canterbury, in order to make atonement to the ashes of Thomas à Becket, and tender his submissions to a dead enemy. As soon as he came within sight of the church of Canterbury, he dismounted walked barefoot towards it, prostrated himself before the shrine of the saint, remained in fasting and prayer during a whole day, and watched all night the holy relics. Not content with this hypocritical devotion towards a man whose violence and ingratitude had so long disquieted his government, and had been the object of his most inveterate animosity, he submitted to a penance still more singular and humiliating. He assembled a chapter of

the monks, disrobed himself before them, put a scourge of discipline into the hands of each, and presented his bare shoulders to the lashes which these ecclesiastics successively inflicted upon him. Next day he received absolution; and, departing for London, got soon after the agreeable intelligence of a great victory which his generals had obtained over the Scots, and which, being gained, as was reported, on the very day of his absolution, was regarded as the earnest of his final reconciliation with Heaven and with Thomas a Becket William, king of Scots, though repulsed before the castle of Prudhow, and other fortified places, had committed the most horrible depredations upon the northern provinces; but on the approach of Ralph de Glanville, the famous justiciary, seconded by Bernard de Baliol, Robert de Stuteville, Odonel de Umfreville, William de Vesci, and other northern barons together with the gallant bishop of Lincoln, he thought proper to retreat nearer his own country, and he fixed his camp at Alnwick. He had here weakened his army extremely, by sending out numerous detachments in order to extend his ravages; and he lay absolutely safe, as he imagined, from any attack of the enemy. But Glanville, informed of his situation, made a hasty and fatiguing march to Newcastle; and allowing his soldiers only a small interval for refreshment, he immediately set out towards evening for Alnwick. He marched that night above thirty miles; arrived in the morning, under cover of a mist, near the Scottish camp; and regardless of the great numbers of the enemy, he began the attack with his small but determined body of cavalry. William was living in such supine security that he took the English at first for a body of his own ravagers who were returning to the camp; but the sight of their banners convincing him of his mistake, he entered on the action with no greater body than a hundred horse, in confidence that the numerous army which surrounded him would soon hasten to his relief. He was dismounted on the first shock, and taken prisoner; while his troops, hearing of this disaster, fled on all sides with the utmost precipitation. The dispersed ravagers made the best of their way to their own country; and discord arising among them, they proceeded even to mutual hostilities, and suffered more from each other's sword than from that of the enemy.

This great and important victory proved at last decisive in favor of Henry, and entirely broke the spirit of the English rebels. The bishop of Durham, who was preparing to revolt, made his submissions; Hugh Bigod,

though he had received a strong réenforcement of Flemings, was obliged to surrender all his castles, and throw himself on the king's mercy; no better resource was left to the earl of Ferrars and Roger de Moubray; the inferior rebels imitating the example, all England was restored to tranquillity in a few weeks; and as the king appeared to be under the immediate protection of Heaven, it was deemed impious any longer to resist him. The clergy exalted anew the merits and powerful intercession of Becket; and Henry, instead of opposing this superstition, plumed himself on the new friendship of the-saint, and propagated an opinion which was so favorable to his interests.<sup>14</sup>

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<sup>14</sup> Hoveden, p. 539.]

Prince Henry, who was ready to embark at Gravelines with the earl of Flanders and a great army, hearing that his partisans in England were suppressed, abandoned all thoughts of the enterprise, and joined the camp of Lewis, who, during the absence of the king, had made an irruption into Normandy and had laid siege to Rouen.<sup>15</sup> The place was defended with great vigor by the inhabitants;<sup>16</sup> and Lewis, despairing of success by open force, tried to gain the town by a stratagem, which, in that superstitious age, was deemed not very honor able. He proclaimed in his own camp a cessation of arms on pretence of celebrating the festival of St. Laurence; and when the citizens, supposing themselves in safety, were so imprudent as to remit their guard, he purposed to take advantage of their security. Happily, some priests had, from mere curiosity, mounted a steeple, where the alarm bell hung; and observing the French camp in motion, they immediately rang the bell, and gave warning to the inhabitants, who ran to their several stations. The French, who, on hearing the alarm hurried to the assault, had already mounted the walls in several places; but being repulsed by the enraged citizens were obliged to retreat with considerable loss.<sup>17</sup> Next day, Henry, who had hastened to the defence of his Norman dominions, passed over the bridge in triumph; and entered Rouen in sight of the French army. The city was now in absolute safety; and the king, in order to brave the French, monarch, commanded the gates, which had been walled up, to be opened; and he prepared to push his advantages

against the enemy. Lewis saved himself from this perilous situation by a new piece of deceit, not so justifiable. He proposed a conference for adjusting the terms of a general peace, which he knew would be greedily embraced by Henry; and while the king of England trusted to the execution of his promise, he made a retreat with his army into France.

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<sup>15</sup> Brompton, p. 1096.]

<sup>16</sup> Diceto, p. 578.]

<sup>17</sup> Brompton, p. 1096 Gul. Neubr. p. 411. W. Heming. p, 503]

There was, however, a necessity on both sides for an accommodation. Henry could no longer bear to see his three sons in the hands of his enemy; and Lewis dreaded lest this great monarch, victorious in all quarters, crowned with glory, and absolute master of his dominions, might take revenge for the many dangers and disquietudes which the arms, and still more the intrigues, of France had, in his disputes both with Becket and his sons, found means to raise him. After making a cessation of arms, a conference was agreed on near Tours; where Henry granted his sons much less advantageous terms than he had formerly offered; and he received their submissions. The most material of his concessions were some pensions which he stipulated to pay them, and some castles which he granted them for the place of their residence; together with an indemnity for all their adherents, who were restored to their estates and honors.<sup>18</sup>

Of all those who had embraced the cause of the young princes, William, king of Scotland, was the only considerable loser by that invidious and unjust enterprise. Henry delivered from confinement, without exacting any ransom, about nine hundred knights, whom he had taken prisoners; but it cost William the ancient independency of his crown as the price of his liberty. He stipulated to do homage to Henry for Scotland and all his other possessions; he engaged that all the barons and nobility of his kingdom should also do homage; that the bishops should take an oath of fealty; that both should swear to adhere to the king of England against their native prince, if the latter should break his engagements; and that the fortresses of Edinburgh, Stirling, Berwick,

Roxborough, and Jedborough should be delivered into Henry's hands, till the performance of articles.<sup>19</sup>

This severe and humiliating treaty was executed in its full rigor. <sup>1175</sup>. William, being released, brought up all his barons, prelates, and abbots; and they did homage to Henry in the cathedral of York, and acknowledged him and his successors for their superior lord.<sup>20</sup>

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<sup>18</sup> Rymer, vol. i. p. 35. Benedict. Abbas, p. 88. Hoveden, p. 540 Diceto, p. 583. Brompton, p. 1098. W. Heming. p. 505. Chron. Dunst. p. 36.]

<sup>19</sup> M. Paris, p. 91. Chron. Dunst. p. 36. Hoveden, p. 545. M West. p. 251. Diceto, p. 584. Brompton, p. 1103. Rymer, vol i, p. 39. Liber Nig. Scac. p. 36.]

<sup>20</sup> Benedict Abbas, p. 113.]

The English monarch stretched still further the rigor of the conditions which he exacted. He engaged the king and states of Scotland to make a perpetual cession of the fortresses of Berwick and Roxborough, and to allow the castle of Edinburgh to remain in his hands for a limited time This was the first great ascendant which England obtained over Scotland; and indeed the first important transaction which had passed between the kingdoms. Few princes have been so fortunate as to gain considerable advantages over their weaker neighbors with less violence and injustice than was practised by Henry against the king of Scots, whom he had taken prisoner in battle, and who had wantonly engaged in a war, in which all the neighbors of that prince, and even his own family, were, without provocation, combined against him.<sup>21</sup>

Henry having thus, contrary to expectation, extricated himself with honor from a situation in which his throne was exposed to great danger, was employed for several years in the administration of justice, in the execution of the laws, and in guarding against those inconveniencies, which either the past convulsions of his state, or the political institutions of that age, unavoidably occasioned. The provisions which he made, show such largeness of thought as qualified him for being a legislator; and they

were commonly calculated as well for the future as the present happiness of his kingdom.

He enacted severe penalties against robbery, murder, false coining, <sup>1176</sup> arson; and ordained that these crimes should be punished by the amputation of the right hand and right foot.<sup>22</sup> The pecuniary commutation for crimes, which has a false appearance of lenity, had been gradually disused; and seems to have been entirely abolished by the rigor of these statutes. The superstitious trial by water ordeal, though condemned by the church,<sup>23</sup> still subsisted; but Henry ordained, that any man accused of murder, or any heinous felony, by the oath of the legal knights of the county, should, even though acquitted by the ordeal, be obliged to abjure the realm.<sup>24</sup>

All advances towards reason and good sense are slow and gradual. Henry, though sensible of the great absurdity attending the trial by duel or battle, did not venture to abolish it: he only admitted either of the parties to challenge a trial by an assize or jury of twelve freeholders.<sup>25</sup>

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<sup>21</sup> Some Scotch historians pretend, that William paid, besides, one hundred thousand pounds of ransom, which is quite incredible. The ransom of Richard I., who, besides England, possessed so many rich territories in France, was only one hundred and fifty thousand marks, and yet was levied with great difficulty. Indeed, two thirds of it only could be paid before his deliverance.]

<sup>22</sup> Benedict. Abbas, p. 132. Hoveden, p. 549.]

<sup>23</sup> Seldeni Spicileg. ad Eadm. p. 204,]

<sup>24</sup> Benedict. Abbas, p. 132.]

This latter method of trial seems to have been very ancient in England, and was fixed by the laws of King Alfred: but the barbarous and violent genius of the age had of late given more credit to the trial by battle, which had become the general method of deciding all important controversies. It was never abolished by law in England; and there is an instance of it so late as the reign of Elizabeth: but the institution revived by this king, being found more reasonable and more suitable to a civilized people, gradually prevailed over it.

The partition of England into four divisions, and the appointment of itinerant justices to go the circuit in each division, and to decide the causes in the counties, was another important ordinance of this prince, which had a direct tendency to curb the oppressive barons, and to protect the inferior gentry and common people in their property.<sup>26</sup> Those justices were either prelates or considerable noblemen; who, besides carrying the authority of the king's commission, were able, by the dignity of their own character, to give weight and credit to the laws.

That there might be fewer obstacles to the execution of justice, the king was vigilant in demolishing all the new erected castles of the nobility, in England as well as in his foreign dominions; and he permitted no fortress to remain in the custody of those whom he found reason to suspect.<sup>27</sup>

But lest the kingdom should be weakened by this demolition of the fortresses, the king fixed an assize of arms, by which all his subjects were obliged to put themselves in a situation for defending themselves and the realm. Every man possessed of a knight's fee was ordained to have for each fee, a coat of mail, a helmet, a shield, and a lance; every free layman, possessed of goods to the value of sixteen marks, was to be armed in like manner; every one that possessed ten marks was obliged to have an iron gorget, a cap of iron, and a lance; all burgesses were to have a cap of iron, a lance, and a wambais; that is, a coat quilted with wool, tow, or such like materials.<sup>28</sup> It appears that archery, for which the English were afterwards so renowned, had not at this time become very common among them. The spear was the chief weapon employed in battle.

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<sup>25</sup> Hoveden, p. 590].

<sup>26</sup> Benedict. Abbas, p. 202. Diceto p. 585.]

<sup>27</sup> Benedict, Abbas, p. 305. Annal. Waverl. p. 181.]

The clergy and the laity were, during that age, in a strange situation with regard to each other, and such as may seem totally incompatible with a civilized, and indeed with any species of government. If a clergyman were guilty of murder, he could be punished by degradation only: if he were

murdered, the murderer was exposed to nothing but excommunication and ecclesiastical censures; and the crime was atoned for by penances and submission.<sup>29</sup> Hence the assassins of Thomas à Becket himself, though guilty of the most atrocious wickedness, and the most repugnant to the sentiments of that age, lived securely in their own houses, without being called to account by Henry himself, who was so much concerned, both in honor and interest, to punish that crime, and who professed or affected, on all occasions, the most extreme abhorrence of it. It was not till they found their presence shunned by every one as excommunicated persons, that they were induced to take a journey to Rome, to throw themselves at the feet of the pontiff, and to submit to the penances imposed upon them; after which, they continued to possess without molestation their honors and fortunes, and seem even to have recovered the countenance and good opinion of the public. But as the king, by the constitutions of Clarendon, which he endeavored still to maintain,<sup>30</sup> had subjected the clergy to a trial by the civil magistrate, it seemed but just to give them the protection of that power, to which they owed obedience: it was enacted, that the murderers of clergymen should be tried before the justiciary, in the presence of the bishop or his official; and besides the usual punishment for murder, should be subjected to a forfeiture of their estates, and a confiscation of their goods and chattels.<sup>31</sup>

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<sup>28</sup> Petri Bles. epist. 73, apud Bibl. Patr. torn. xxiv. p. 992.]

<sup>29</sup> Gervase, p. 1433. ]

<sup>30</sup> Diceto, p. 592. Gervase, p. 1433]

The king passed an equitable law, that the goods of a vassal should not be seized for the debt of his lord, unless the vassal be surety for the debt; and that the rents of vassals should be paid to the creditors of the lord, not to the lord himself. It is remarkable, that this law was enacted by the king in a council which he held at Verneuil, and which consisted of some prelates and barons of England, as well as some of Normandy, Poictou, Anjou, Maine, Touraine, and Brittany and the statute took place in all these last-mentioned territories,<sup>32</sup> though totally unconnected with each other;<sup>33</sup> a



certain proof how irregular the ancient feudal government was, and how near the sovereigns, in some instances, approached to despotism, though in others they seemed scarcely to possess any authority. If a prince, much dreaded and revered like Henry, obtained but the appearance of general consent to an ordinance which was equitable and just, it became immediately an established law, and all his subjects acquiesced in it, If the prince was hated or despised; if the nobles, who supported him, had small influence; if the humors of the times disposed the people to question the justice of his ordinance; the fullest and most authentic assembly had no authority. Thus all was confusion and disorder; no regular idea of a constitution; force and violence decided every thing.

The success which had attended Henry in his wars, did not much encourage his neighbors to form any attempt against him; and his transactions with them, during several years, contain little memorable. Scotland remained in that state of feudal subjection to which he had reduced it, and gave him no further inquietude. He sent over his fourth son, John, into Ireland, with a view of making a more complete conquest of the island; but the petulance and incapacity of this prince, by which he enraged the Irish chieftains, obliged the king soon after to recall him.<sup>34</sup>

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<sup>31</sup> Benedict. Abbas, p. 248. It was usual for the kings of England, after the conquest of Ireland, to summon barons and members of that country to the English parliament. Molineux's case of Ireland, p. 64, 65, 66.]

<sup>32</sup> Spelman even doubts whether the law were not also extended to England. If it were not, it could only be because Henry did not choose it; for his authority was greater in that kingdom than in his transmarine dominions.]

<sup>33</sup> Benedict. Abbas, p. 437, etc.]

The king of France had fallen into an abject superstition; and was induced, by a devotion more sincere than that of Henry, to make a pilgrimage to the tomb of Becket, in order to obtain his intercession for the cure of Philip, his eldest son. He probably thought himself well entitled to the favor of that saint, on account of their ancient intimacy; and hoped that Becket, whom he had protected while on earth, would not now, when he was so

highly exalted in heaven, forget his old friend and benefactor. The monks, sensible that their saint's honor was concerned in the case, failed not to publish that Lewis's prayers were answered, and that the young prince was restored to health by Becket's intercession. That king himself was soon after struck with an apoplexy, which deprived him of his understanding: Philip though a youth of fifteen, took on him the administration, till his father's death, which happened soon after,

opened his way to the throne; and he proved the ablest and greatest <sup>1180.</sup> monarch that had governed that kingdom since the age of Charlemagne. The superior years, however, and experience of Henry, while they moderated his ambition, gave him such an ascendant over this prince, that no dangerous rivalship for a long time arose between them. The English monarch, instead of taking advantage of his own situation, rather employed his good offices in composing the quarrels which arose in the royal family of France; and he was successful in mediating a reconciliation between Philip and his mother and uncles. These services were but ill requited by Philip, who, when he came to man's estate, fomented all the domestic discords in the royal family of England, and encouraged Henry's sons in their ungrateful and undutiful behavior towards him. Prince Henry, equally impatient of obtaining power, and incapable of using it, renewed to the king the demand of his resigning Normandy; and on meeting with a refusal, he fled with his consort to the court of France: but not finding Philip at that time disposed to enter into war for his sake, he accepted of his father's offers of reconciliation, and made him submissions. It was a cruel circumstance in the king's fortune, that he could hope for no tranquillity from the criminal enterprises of his sons but by their mutual discord and animosities, which disturbed his family and threw his state into convulsions. Richard, whom he had made master of Guienne, and who had displayed his valor and military genius by suppressing the revolts of his mutinous barons refused to obey Henry's orders, in doing homage to his elder brother for that duchy; and he defended himself against young Henry and Geoffrey, who, uniting their arms, carried war into his territories.<sup>35</sup>.....

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<sup>34</sup> Ypod. Neust. p. 451.]

The king with some difficulty composed this difference; but immediately found his eldest son engaged in conspiracies, and ready to take arms against himself. While the young prince was conducting these criminal intrigues, he was seized with a fever at Martel,

a castle near Turenne to which he had retired in discontent; and seeing <sup>1183</sup> the approaches of death, he was at last struck with remorse for his undutiful behavior towards his father. He sent a message to the king, who was not far distant; expressed his contrition for his faults; and entreated the favor of a visit, that he might at least die with the satisfaction of having obtained his forgiveness. Henry, who had so often experienced the prince's ingratitude and violence, apprehended that his sickness was entirely feigned, and he durst not intrust himself into his son's hands: but when he soon after received intelligence of young Henry's death, and the proofs, of his sincere repentance, this good prince was affected with the deepest sorrow; he thrice fainted away; he accused his own hard hearted ness in refusing the dying request of his son; and he lamented that he had deprived that prince of the last opportunity of making atonement for his offences, and of pouring out his soul in the bosom of his reconciled father.<sup>36</sup> This prince died in the twenty-eighth year of his age.

The behavior of his surviving children did not tend to give the king any consolation for the loss. As Prince Henry had left no posterity, Richard was become heir to all his dominions; and the king intended that John, his third surviving son and favorite, should inherit Guienne as his appanage; but Richard refused his consent, fled into that duchy, and even made preparations for carrying on war, as well against his father as against his brother Geoffrey, who was now put in possession of Brittany. Henry sent for Eleanor, his queen, the heiress of Guienne, and required Richard to deliver up to her the dominion of these territories; which that prince, either dreading an insurrection of the Gascons in her favor, or retaining some sense of duty towards her, readily performed; and he peaceably returned to his father's court. No sooner was this quarrel accommodated, than Geoffrey, the most vicious perhaps of all Henry's unhappy family, broke out into violence; demanded Anjou to be annexed to his dominions

of Brittany; and on meeting with a refusal, fled to the court of France, and levied forces against his father.<sup>37</sup>

Henry was freed from this danger by his son's death who was killed in a *1185*. tournament at Paris.<sup>38</sup>

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<sup>36</sup> Benedict. Abbas, p. 393. Hoveden, p. 621. Trivet, vol. i. p. 84,]

<sup>37</sup> Gul. Neubr. p. 422.]

<sup>38</sup> Benedict. Abbas, p. 451. Gervase, p. 1480.]

The widow of Geoffrey, soon after his decease, was delivered of a son who received the name of Arthur, and was invested in the duchy of Brittany, under the guardianship of his grandfather, who, is duke of Normandy, was also superior lord of that territory. Philip, as lord paramount, disputed some time his title to this wardship; but was obliged to yield to the inclinations of the Bretons, who preferred the government of Henry.

But the rivalry between these potent princes, and all their inferior interests, seemed now to have given place to the general passion for the relief of the Holy Land and the expulsion of the Saracens. Those infidels, though obliged to yield to the immense inundation of Christians in the first crusade, had recovered courage after the torrent was past; and attacking on all quarters the settlements of the Europeans, had Deduced these adventurers to great difficulties, and obliged them to apply again for succors from the west. A second crusade, under the emperor Conrade, and Lewis VII., king of France, in which there perished above two hundred thousand men, brought them but a temporary relief; and those princes, after losing such immense armies, and seeing the flower of their nobility fall by their side, returned with little honor into Europe. But these repeated misfortunes, which drained the western world of its people and treasure, were not yet sufficient to cure men of their passion for those spiritual adventures; and a new incident rekindled with fresh fury the zeal of the ecclesiastics and military adventurers among the Latin Christians. Saladin, a prince of great generosity, bravery, and conduct, having fixed himself on the throne of Egypt, began to extend his conquests over the East; and finding the settlement of the Christians in Palestine an invincible

obstacle to the progress of his arms, he bent the whole force of his policy and valor to subdue that small and barren, but important territory. Taking advantage of dissensions which prevailed among the champions of the cross, and having secretly gained the count of Tripoli, who commanded their armies, he invaded the frontiers with a mighty power and, aided by the treachery of that count, gained over them at Tiberiade a complete victory, which utterly annihilated the force of the already languishing kingdom of Jerusalem

The holy city itself fell into his hands after a feeble resistance; the <sup>1187</sup> kingdom of Antioch was almost entirely subdued and except some maritime towns, nothing considerable remained of thope boasted conquests, which, near a century before, it had cost the efforts of all Europe to acquire.

The western Christians were astonished on receiving this dismal intelligence. Pope Urban III., it is pretended, died of grief; and his successor, Gregory VIII., employed the whole time of his short pontificate in rousing to arms all the Christians who acknowledged his authority. The general cry was, that they were unworthy of enjoying any inheritance in heaven, who did not vindicate from the dominion of the infidels the inheritance of God on earth, and deliver from slavery that country which had been consecrated by the foot-steps of their Redeemer.

William, archbishop of Tyre, having procured a conference between <sup>1188</sup> Henry and Philip near Gisors, enforced all these topics; gave a pathetic description of the miserable state of the eastern Christians; and employed every argument to excite the ruling passions of the age, superstition, and jealousy of military honor. The two monarchs immediately took the cross; many of their most considerable vassals imitated the example; and as the emperor Frederic I. entered into the same confederacy, some well-grounded hopes of success were entertained; and men flattered themselves that an enterprise, which had failed under the conduct of many independent leaders, or of imprudent princes, might at last, by the efforts of such potent and able monarchs, be brought to a happy issue.

The kings of France and England imposed a tax, amounting to the tenth of all movable goods, on such as remained at home; but as they exempted from this burden most of the regular clergy, the secular aspired

to the same immunity; pretended that their duty obliged them to assist the crusade with their prayers alone; and it was with some difficulty they were constrained to desist from an opposition, which in them who had been the chief promoters of those pious enterprises, appeared with the worst grace imaginable. This backwardness of the clergy is perhaps a symptom that the enthusiastic ardor which had at first seized the people for crusades, was now by time and ill success considerably abated; and that the frenzy was chiefly supported by the military genius and love of glory in the monarchs.

But before this great machine could be put in motion, there were still many obstacles to surmount. Philip, jealous of Henry's power, entered into a private confederacy with young Richard; and working on his ambitious and impatient temper, persuaded him, instead of supporting and aggrandizing that monarchy which he was one day to inherit, to seek present power and independence by disturbing and dismembering it.

In order to give a pretence for hostilities between the two kings, Richard <sup>1189</sup>. broke into the territories of Raymond, count of Toulouse, who immediately carried complaints of this violence before the king of France, as his superior lord. Philip remonstrated with Henry; but received for answer, that Richard had confessed to the archbishop of Dublin, that his enterprise against Raymond had been undertaken by the approbation of Philip himself, and was conducted by his authority. The king of France, who might have been covered with shame and confusion by this detection, still prosecuted his design, and invaded the provinces of Berri and Auvergne, under color of revenging the quarrel of the count of Toulouse. Henry retaliated by making inroads upon the frontiers of France and burning Dreux. As this war, which destroyed all hopes of success in the projected crusade, gave great scandal, the two kings held a conference at the accustomed place between Gisors and Trie, in order to find means of accommodating their differences; they separated on worse terms than before; and Philip, to show his disgust, ordered a great elm, under which the conferences had been usually held, to be cut down; as if he had renounced all desire of accommodation, and was determined to carry the war to extremities against the king of England. But his own vassals refused to serve under him in so invidious a cause; and he was obliged to come anew to a conference with Henry, and to offer terms of peace. These terms

were such as entirely opened the eyes of the king of England, and fully convinced him of the perfidy of his son, and his secret alliance with Philip, of which he had before only entertained some suspicion. The king of France required that Richard should be crowned king of England in the lifetime of his father, should be invested in all his transmarine dominions, and should immediately espouse Alice, Philip's sister, to whom he had been formerly affianced, and who had already been conducted into England. Henry had experienced such fatal effects, both from the crowning of his eldest son, and from that prince's alliance with the royal family of France, that he rejected these terms; and Richard, in consequence of his secret agreement with Philip, immediately revolted from him, did homage to the king of France for all the dominions which Henry held of that crown, and received the investitures, as if he had already been the lawful possessor. Several historians assert, that Henry himself had become enamored of young Alice, and mention this as an additional reason for his refusing these conditions; but he had so many other just and equitable motives for his conduct, that it is superfluous to assign a cause, which the great prudence and advanced age of that monarch render somewhat improbable.

Cardinal Albano, the pope's legate, displeased with these increasing obstacles to the crusade, excommunicated Richard, as the chief spring of discord; but the sentence of excommunication, which, when it was properly prepared and was zealously supported by the clergy, had often great influence in that age, proved entirely ineffectual in the present case. The chief barons of Poictou, Guienne, Normandy, and Anjou, being attached to the young prince, and finding that he had now received the investiture from their superior lord, declared for him, and made inroads into the territories of such as still adhered to the king. Henry, disquieted by the daily revolts of his mutinous subjects, and dreading still worse effects from their turbulent disposition, had again recourse to papal authority; and engaged the cardinal Anagni, who had succeeded Albano in the legateship, to threaten Philip with laying an interdict on all his dominions. But Philip, who was a prince of great vigor and capacity, despised the menace, and told Anagni, that it belonged not to the pope to interpose in the temporal disputes of princes, much less in those between him and his rebellious vassal. He even proceeded so far as to reproach him

with partiality, and with receiving bribes from the king of England; while Richard, still more outrageous, offered to draw his sword against the legate, and was hindered by the interposition alone of the company, from committing violence upon him.

The king of England was now obliged to defend his dominions by arms, and to engage in a war with France and with his eldest son, a prince of great valor, on such disadvantageous terms. Ferte-Bernard fell first into the hands of the enemy; Mans was next taken by assault; and Henry, who had thrown himself into that place, escaped with some difficulty; Amboise, Chaumont, and Château de Loire, opened their gates on the appearance of Philip and Richard: Tours was menaced; and the king, who had retired to Saumur, and had daily instances of the cowardice or infidelity of his governors, expected the most dismal issue to all his enterprises. While he was in this state of despondency, the duke of Burgundy, the earl of Flanders, and the archbishop of Rheims interposed with their good offices; and the intelligence which he received of the taking of Tours, and which made him fully sensible of the desperate situation of his affairs, so subdued his spirit, that he submitted to all the rigorous terms which, were imposed upon him. He agreed that Richard should marry the princess Alice; that that prince should receive the homage and oath of fealty of all his subjects both in England and his transmarine dominions; that he himself should pay twenty thousand marks to the king of France, as a compensation for the charges of the war; that his own barons should engage to make him observe this treaty by force, and in case of his violating it should promise to join Philip and Richard against him; and that all his vassals, who had entered into confederacy with Richard, should receive an indemnity for the offence.

But the mortification which Henry, who had been accustomed to give the law in most treaties, received from these disadvantageous terms, was the least that he met with on this occasion. When he demanded a list of those barons to whom he was bound to grant a pardon for their connections with Richard, he was astonished to find, at the head of them, the name of his second son, John; who had always been his favorite, whose interests he had ever anxiously at heart, and who had even, on account of his ascendant over him, often excited the jealousy of Richard. The



unhappy father, already overloaded with cares and sorrows, finding this last disappointment in his domestic tenderness, broke out into expressions of the utmost despair, cursed the day in which he received his miserable being, and bestowed on his ungrateful and undutiful children a malediction which he never could be prevailed on to retract. The more his heart was disposed to friendship and affection, the more he resented the barbarous return which his four sons had successively made to his parental care; and this finishing blow, by depriving him of every comfort in life, quite broke his spirit, and threw him into a lingering fever, of which he expired, at the castle of Chinon, near Saumur. His natural son, Geoffrey, who alone had behaved dutifully towards him, attended his corpse to the nunnery of Fontervault; where it lay in state in the abbey church. Next day, Richard, who came to visit the dead body of his father, and who, notwithstanding his criminal conduct, was not wholly destitute of generosity, was struck with horror and remorse at the sight; and as the attendants observed that, at that very instant, blood gushed from the mouth and nostrils of the corpse, he exclaimed, agreeably to a vulgar superstition, that he was his father's murderer; and he expressed a deep sense, though too late, of that undutiful behavior which had brought his parent to an untimely grave.

Thus died, in the fifty-eighth year of his age, and thirty-fifth of his reign, the greatest prince of his time for wisdom, virtue, and abilities, and the most powerful in the extent of dominion of all those that had ever filled the throne of England. His character in private, as well as in public life, is almost without a blemish; and he seems to have possessed every accomplishment, both of body and mind, which makes a man either estimable or amiable. He was of a middle stature, strong and well proportioned; his countenance was lively and engaging; his conversation affable and entertaining; his elocution easy, persuasive, and ever at command. He loved peace, but possessed both bravery and conduct in war; was provident without timidity; severe in the execution of justice without rigor; and temperate without austerity. He preserved health, and kept himself from corpulency, to which he was somewhat inclined, by an abstemious diet, and by frequent exercise, particularly hunting. When he could enjoy leisure, he recreated himself either in learned conversation or in reading; and he cultivated his natural talents by study above any prince

of his time. His affections, as well as his enmities, were warm and durable; and his long experience of the ingratitude and infidelity of men never destroyed the natural sensibility of his temper, which disposed him to friendship and society. His character has been transmitted to us by several writers, who were his contemporaries; and it extremely resembles, in its most remarkable features, that of his maternal grandfather, Henry I.; excepting only, that ambition, which was a ruling passion in both, found not in the first Henry such unexceptionable means of exerting itself, and pushed that prince into measures which were both criminal in themselves, and were the cause of further crimes, from which his grandson's conduct was happily exempted.

This prince, like most of his predecessors of the Norman line, except Stephen, passed more of his time on the continent than in this island: he was surrounded with the English gentry and nobility when abroad: the French gentry and nobility attended him when he resided in England: both nations acted in the government as if they were the same people; and, on many occasions, the legislatures seem not to have been distinguished. As the king and all the English barons were of French extraction, the manners of that people acquired the ascendant, and were regarded as the models of imitation. All foreign improvements, therefore, such as they were, in literature and politeness, in laws and arts, seem now to have been, in a good measure, transplanted into England and that kingdom was become little inferior, in all the fashionable accomplishments, to any of its neighbors on the continent. The more homely but more sensible manners and principles of the Saxons, were exchanged for the affectations of chivalry, and the subtilities of school philosophy: the feudal ideas of civil government, the Romish sentiments in religion, had taken entire possession of the people: by the former, the sense of submission towards princes was somewhat diminished in the barons; by the latter, the devoted attachment to papal authority was much augmented among the clergy. The Norman and other foreign families established in England, had now struck deep root; and being entirely incorporated with the people, whom at first they oppressed and despised, they no longer thought that they needed the protection of the crown for the enjoyment of their possessions, or considered their tenure as precarious. They aspired to the same liberty and independence which they saw enjoyed by their brethren on the continent,

and desired to restrain those exorbitant prerogatives and arbitrary practices, which the necessities of war and the violence of conquest had at first obliged them to indulge in their monarch. That memory also of a more equal government under the Saxon princes, which remained with the English, diffused still further the spirit of liberty, and made the barons both desirous of more independence to themselves and willing to indulge it to the people. And it was not long ere this secret revolution in the sentiments of men produced, first violent convulsions in the state, then an evident alteration in the maxims of government.

The history of all the preceding kings of England since the conquest, gives evident proofs of the disorders attending the feudal institutions; the licentiousness of the barons, their spirit of rebellion against the prince and laws, and of animosity against each other: the conduct of the barons in the transmarine dominions of those monarchs, afforded perhaps still more flagrant instances of these convulsions; and the history of France, during several ages, consists almost entirely of narrations of this nature. The cities, during the continuance of this violent government, could neither be very numerous nor populous; and there occur instances which seem to evince that, though these are always the first seat of law and liberty, their police was in general loose and irregular, and exposed to the same disorders with those by which the country was generally infested. It was a custom in London for great numbers, to the amount of a hundred or more, the sons and relations of considerable citizens, to form themselves into a licentious confederacy, to break into rich houses and plunder them, to rob and murder the passengers, and to commit with impunity all sorts of disorder. By these crimes it had become so dangerous to walk the streets by night, that the citizens durst no more venture abroad after sunset, than if they had been exposed to the incursions of a public enemy. The brother of the earl of Ferrars had been murdered by some of those nocturnal rioters; and the death of so eminent a person, which was much more regarded than that of many thousands of an inferior station, so provoked the king, that he swore vengeance against the criminals, and became thenceforth more rigorous in the execution of the laws.

There is another instance given by historians, which proves to what a height such riots had proceeded, and how open these criminals were in

committing their robberies. A band of them had attacked the house of a rich citizen, with an intention of plundering it; had broken through a stone wall with hammers and wedges; and had already entered the house sword in hand, when the citizen, armed cap-à-pie, and supported by his faithful servants, appeared in the passage to oppose them: he cut off the right hand of the first robber that entered, and made such stout resistance that his neighbors had leisure to assemble and come to his relief. The man who lost his hand was taken; and was tempted by the promise of pardon to reveal his confederates; among whom was one John Senex, esteemed among the richest and best-born citizens in London. He was convicted by the ordeal; and though he offered five hundred marks for his life, the king refused the money, and ordered him to be hanged. It appears, from a statute of Edward I., that these disorders were not remedied even in that reign. It was then made penal to go out at night after the hour of the curfew, to carry a weapon, or to walk without a light or lantern. It is said in the preamble to this law, that both by night and by day there were continual frays in the streets of London.

Henry's care in administering justice had gained him so great a reputation, that even foreign and distant princes made him arbiter, and submitted their differences to his judgment. Sanchez, king of Navarre, having some controversies with Alphonso, king of Castile, was contented, though Alphonso had married the daughter of Henry, to choose this prince for a referee; and they agreed each of them to consign three castles into neutral hands, as a pledge of their not departing from his award. Henry made the cause be examined before his great council, and gave a sentence, which was submitted to by both parties. These two Spanish kings sent each a stout champion to the court of England, in order to defend his cause by arms, in case the way of duel had been chosen by Henry.

Henry so far abolished the barbarous and absurd practice of confiscating ships which had been wrecked on the coast, that he ordained if one man or animal were alive in the ship that the vessel and goods should be restored to the owners.

The reign of Henry was remarkable also for an innovation which was afterwards carried further by his successors, and was attended with the most important consequences. This prince was disgusted with the species

of military force which was established by the feudal institutions, and which, though it was extremely burdensome to the subject, yet rendered very little service to the sovereign. The barons, or military tenants, came late into the field; they were obliged to serve only forty days; they were unskilful and disorderly in all their operations; and they were apt to carry into the camp the same refractory and independent spirit to which they were accustomed in their civil government. Henry, therefore, introduced the practice of making a commutation of their military service for money; and he levied scutages from his baronies and knights' fees, instead of requiring the personal attendance of his vassals. There is mention made, in the history of the exchequer, of these scutages in his second, fifth, and eighteenth year; and other writers give us an account of three more of them.<sup>39</sup> When the prince had thus obtained money, he made a contract with some of those adventurers in which Europe at that time abounded; they found him soldiers of the same character with themselves, who were bound to serve for a stipulated time: the armies were less numerous, but more useful, than when composed of all the military vassals of the crown: the feudal institutions began to relax: the kings became rapacious for money, on which all their power depended: the barons, seeing no end of exactions, sought to defend their property, and as the same causes had nearly the same effects in the different countries of Europe, the several crowns either lost or acquired authority, according to their different success in the contest.

This prince was also the first that levied a tax on the movables or personal estates of his subjects, nobles as well as commons. Their zeal for the holy wars made them submit to this innovation; and a precedent being once obtained, this taxation became, in following reigns, the usual method of supplying the necessities of the crown. The tax of danegelt, so generally odious to the nation, was remitted in this reign.

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<sup>39</sup> Tyrrel, vol. ii. p. 466, from the records. It was a usual practice of the kings of England to repeat the ceremony of their coronation thrice every year, on assembling the states at the three great festivals. Henry, after the first years of his reign, never renewed this ceremony, which was found to be very expensive and very useless. None of his successors revived it. It is considered as a great act of grace in this prince, that he mitigated the rigor

of the forest laws, and punished any transgressions of them, not capitally, but by fines, imprisonments, and other moderate penalties.]

Since we are here collecting some detached incidents, which show the genius of the age, and which could not so well enter into the body of our history, it may not be improper to mention the quarrel between Roger, archbishop of York, and Richard, archbishop of Canterbury. We may judge of the violence of military men and laymen, when ecclesiastics could proceed to such extremities. Cardinal Haguezun, being sent, in 1176, as legate into Britain, summoned an assembly of the clergy at London; and, as both the archbishops pretended to sit on his right hand, this question of precedency begat a controversy between them. The monks and retainers of Archbishop Richard fell upon Roger, in the presence of the cardinal and of the synod, threw him to the ground, trampled him under foot, and so bruised him with blows, that he was taken up half dead, and his life was with difficulty saved from their violence. The archbishop of Canterbury was obliged to pay a large sum of money to the legate, in order to suppress all complaints with regard to this enormity.

We are told by Giraldus Cambrensis, that the monks and prior of St. Swithun threw themselves one day prostrate on the ground and in the mire before Henry, complaining, with many tears and much doleful lamentation, that the bishop of Winchester, who was also their abbot, had cut off three dishes from their table. "How many has he left you?" said the king. "Ten only," replied the disconsolate monks. "I myself," exclaimed the king, "never have more than three; and I enjoin your bishop to reduce you to the same number."

This king left only two legitimate sons, Richard, who succeeded him, and John, who inherited no territory, though his father had often intended to leave him a part of his extensive dominions. He was thence commonly denominated Lackland. Henry left three legitimate daughters; Maud, born in 1156, and married to Henry, duke of Saxony; Eleanor, born in 1162, and married to Alphonso, king of Castile: Joan, born in 1165, and married to William, king of Sicily.

Henry is said by ancient historians to have been of a very amorous disposition; they mention two of his natural sons by Rosamond, daughter

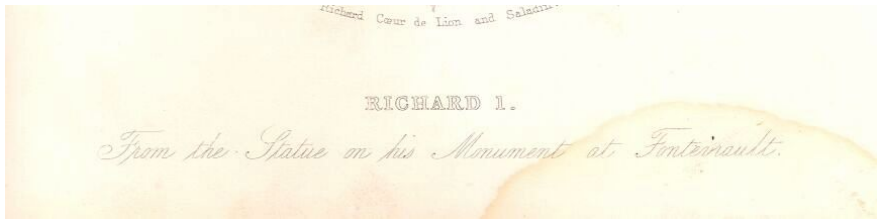
of Lord Clifford; namely, Richard Longespée, or Longsword, (so called from the sword he usually wore,) who was afterwards married to Ela, the daughter and heir of the earl of Salisbury; and Geoffrey, first bishop of Lincoln, then archbishop of York. All the other circumstances of the story commonly told of that lady seem to be fabulous.



# CHAPTER 10.







## **RICHARD I.**

The compunction of Richard, for his undutiful behavior towards his <sup>1189</sup> father, was durable, and influenced him in the choice of his ministers and servants after his accession. Those who had seconded and favored his rebellion, instead of meeting with that trust and honor which they expected, were surprised to find that they lay under disgrace with the new king, and were on all occasions hated and despised by him. The faithful ministers of Henry, who had vigorously opposed all the enterprises of his sons, were received with open arms, and were continued in those offices which they had honorably discharged to their former master. This prudent conduct might be the result of reflection; but in a prince like Richard, so much guided by passion, and so little by policy, it was commonly ascribed to a principle still more virtuous and more honorable.

Richard, that he might make atonement to one parent for his breach of duty to the other, immediately sent orders for releasing the queen dowager from the confinement in which she had long been detained; and he intrusted her with the government of England, till his arrival in that kingdom. His bounty to his brother John was rather profuse and imprudent. Besides bestowing on him the county of Mortaigne, in Normandy, granting him a pension of four thousand marks a year, and marrying him to Avisa, the daughter of the earl of Gloucester, by whom he inherited all the possessions of that opulent family, he increased this appanage, which the late king had destined him, by other extensive grants and concessions. He conferred on him the whole estate of William Peverell, which had escheated to the crown: he put him in possession of eight castles, with all the forests and honors annexed to them: he delivered over to him no less than six earldoms, Cornwall, Devon, Somerset, Nottingham, Dorset, Lancaster and Derby. And endeavoring, by favors, to

fix that vicious prince in his duty, he put it too much in his power, whenever he pleased, to depart from it.

The king, impelled more by the love of military glory than by superstition, acted, from the beginning of his reign, as if the sole purpose of his government had been the relief of the Holy Land, and the recovery of Jerusalem from the Saracens. This zeal against infidels, being communicated to his subjects, broke out in London on the day of his coronation, and made them find a crusade less dangerous and attended with more immediate profit. The prejudices of the age had made the lending of money on interest pass by the invidious name of usury: yet the necessity of the practice had still continued it, and the greater part of that kind of dealing fell every where into the hands of the Jews, who, being already infamous on account of their religion, had no honor to lose, and were apt to exercise a profession, odious in itself, by every kind of rigor, and even sometimes by rapine and extortion. The industry and frugality of this people had put them in possession of all the ready money which the idleness and profusion common to the English with other European nations, enabled them to lend at exorbitant and unequal interest. The monkish writers represent it as a great stain on the wise and equitable government of Henry, that he had carefully protected this infidel race from all injuries and insults; but the zeal of Richard afforded the populace a pretence for venting their animosity against them. The king had issued an edict, prohibiting their appearance at his coronation; but some of them, bringing him large presents from their nation, presumed, in confidence of that merit, to approach the hall in which he dined: being discovered, they were exposed to the insults of the bystanders; they took to flight; the people pursued them; the rumor was spread that the king had issued orders to massacre all the Jews; a command so agreeable was executed in an instant on such as fell into the hands of the populace; those who had kept at home were exposed to equal danger; the people, moved by rapacity and zeal, broke into their houses which they plundered, after having murdered the owners; where the Jews barricadoed their doors, and defended themselves with vigor, the rabble set fire to their houses and made way through the flames to exercise the pillage and violence; the usual licentiousness of London, which the sovereign power with difficulty restrained, broke out with fury, and continued these outrages; the houses

of the richest citizens, though Christians, were next attacked and plundered; and weariness and satiety at last put an end to the disorder: yet when the king empowered Glanville, the justiciary, to inquire into the authors of these crimes, the guilt was found to involve so many of the most considerable citizens, that it was deemed more prudent to drop the prosecution; and very few suffered the punishment due to this enormity. But the disorder stopped not at London. The inhabitants of the other cities of England, hearing of this slaughter of the Jews, imitated the example: in York five hundred of that nation, who had retired into the castle for safety, and found themselves unable to defend the place, murdered their own wives and children, threw the dead bodies over the walls upon the populace, and then setting fire to the houses, perished in the flames. The gentry of the neighborhood, who were all indebted to the Jews, ran to the cathedral, where their bonds were kept, and made a solemn bonfire of the papers before the altar. The compiler of the Annals of Waverley, in relating these events, blesses the Almighty for thus delivering over this impious race to destruction.

The ancient situation of England, when the people possessed little riches and the public no credit, made it impossible for sovereigns to bear the expense of a steady or durable war, even on their frontiers; much less could they find regular means for the support of distant expeditions like those into Palestine, which were more the result of popular frenzy than of sober reason or deliberate policy. Richard therefore knew that he must carry with him all the treasure necessary for his enterprise, and that both the remoteness of his own country and its poverty, made it unable to furnish him with those continued supplies, which the exigencies of so perilous a war must necessarily require. His father had left him a treasure of above a hundred thousand marks; and the king, negligent of every consideration but his present object, endeavored to augment his sum by all expedients, how pernicious soever to the public, or dangerous to royal authority. He put to sale the revenues and manors of the crown; the offices of greatest trust and power, even those of forester and sheriff, which anciently were so important,<sup>1</sup> became venal; the dignity of chief justiciary, in whose hands was lodged the whole execution of the laws, was sold to Hugh de Puzas, bishop of Durham, for a thousand marks; the same prelate bought the earldom of Northumberland for life;<sup>2</sup> many of the champions

of the cross, who had repented of their vow, purchased the liberty of violating it; and Richard, who stood less in need of men than of money, dispensed, on these conditions, with their attendance. Elated with the hopes of fame, which in that age attended no wars but those against the infidels, he was blind to every other consideration; and when some of his wiser ministers objected to this dissipation of the revenue and power of the crown, he replied, that he would sell London itself could he find a purchaser.<sup>3</sup> Nothing indeed could be a stronger proof how negligent he was of all future interests in comparison of the crusade, than his selling, for so small a sum as ten thousand marks, the vassalage of Scotland, together with the fortresses of Roxborough and Berwick, the greatest acquisition that had been made by his father during the course of his victorious reign; and his accepting the homage of William in the usual terms, merely for the territories which that prince held in England.<sup>4</sup> The English of all ranks and stations were oppressed by numerous exactions: menaces were employed both against the innocent and the guilty, in order to extort money from them; and where a pretence was wanting against the rich, the king obliged them, by the fear of his displeasure, to lend him sums which he knew it would never be in his power to repay.

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<sup>1</sup> The sheriff had anciently both the administration of justice and the management of the king's revenue committed to him in the county. See Hale, of Sheriffs' Accounts.]

<sup>2</sup> M. Paris, p. 109.]

<sup>3</sup> W. Hemming, p. 519. Knyghton, p. 2402.]

<sup>4</sup> Hoveden, p. 562. Rymer, vol. i. p. 64. M. West. p. 257.]

But Richard, though he sacrificed every interest and consideration to the success of this pious enterprise, carried so little the appearance of sanctity in his conduct, that Fulk curate of Neuilly, a zealous preacher of the crusade, who from that merit had acquired the privilege of speaking the boldest truths, advised him to rid himself of his notorious vices, particularly his pride, avarice, and voluptuousness, which he called the king's three favorite daughters. "You counsel well," replied Richard; "and I

hereby dispose of the first to the Templars, of the second to the Benedictines, and of the third to my prelates.”

Richard, jealous of attempts which might be made on England during his absence, laid Prince John, as well as his natural brother Geoffrey, archbishop of York, under engagements, confirmed by their oaths, that neither of them should enter the kingdom till his return; though he thought proper, before his departure, to withdraw this prohibition. The administration was left in the hands of Hugh, bishop of Durham, and of Longchamp, bishop of Ely, whom he appointed justiciaries and guardians of the realm. The latter was a Frenchman of mean birth, and of a violent character; who by art and address had insinuated himself into favor, whom Richard had created chancellor, and whom he had engaged the pope also to invest with the legantine authority, that, by centring every kind of power in his person, he might the better insure the public tranquillity. All the military and turbulent spirits flocked about the person of the king, and were impatient to distinguish themselves against the infidels in Asia; whither his inclinations, his engagements, led him, and whither he was impelled by messages from the king of France, ready to embark in this enterprise.

The emperor Frederic, a prince of great spirit and conduct, had already taken the road to Palestine, at the head of one hundred and fifty thousand men, collected from Germany and all the northern states. Having surmounted every obstacle thrown in his way by the artifices of the Greeks and the power of the infidels, he had penetrated to the borders of Syria; when, bathing in the cold river Cydnus, during the greatest heat of the summer season, he was seized with a mortal distemper, which put an end to his life and his rash enterprise.<sup>5</sup>

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<sup>5</sup> Benedict. Abbas, p. 556.]

His army, under the command of his son Conrade, reached Palestine; but was so diminished by fatigue, famine, maladies, and the sword, that it scarcely amounted to eight thousand men, and was unable to make any progress against the great power, valor, and conduct of Saladin. These

reiterated calamities attending the crusades, had taught the kings of France and England the necessity of trying another road to the Holy Land and they determined to conduct their armies thither by sea, to carry provisions along with them, and by means of their naval power to maintain an open communication with their own states, and with the western parts of Europe. The place of rendezvous was appointed in the plains of Vezelay, on the borders of Burgundy.<sup>6</sup>

Philip and Richard, on their arrival there, found their combined army <sup>1190</sup> amount to one hundred thousand men;<sup>7</sup> a mighty force, animated with glory and religion, conducted by two warlike monarchs, provided with every thing which their several dominions could supply, and not to be overcome but by their own misconduct, or by the unsurmountable obstacles of nature.

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<sup>6</sup> ... Hoveden, p. 660.]

<sup>7</sup> ... Vinisnuf, p. 305]

The French prince and the English here reiterated their promises of cordial friendship, pledged their faith not to invade each other's dominions during the crusade, mutually exchanged the oaths of all their barons and prelates to the same effect, and subjected themselves to the penalty of interdicts and excommunications, if they should ever violate this public and solemn engagement. They then separated; Philip took the road to Genoa, Richard that to Marseilles, with a view of meeting their fleets, which were severally appointed to rendezvous in these harbors. They put to sea; and nearly about the same time were obliged, by stress of weather, to take shelter in Messina, where they were detained during the whole winter. This incident laid the foundation of animosities which proved fatal to their enterprise.

Richard and Philip were, by the situation and extent of their dominions, rivals in power; by their age and inclinations, competitors for glory; and these causes of emulation, which, had the princes been employed in the field against the common enemy, might have stimulated them to martial enterprises, soon excited, during the present leisure and

repose, quarrels between monarchs of such a fiery character. Equally haughty, ambitious, intrepid, and inflexible, they were irritated with the least appearance of injury, and were incapable, by mutual condescensions, to efface those causes of complaint which unavoidably rose between them. Richard, candid, sincere, undesigning, impolitic, violent, laid himself open on every occasion to the designs of his antagonist; who, provident, interested, intriguing, failed not to take all advantages against him: and thus, both the circumstances of their disposition in which they were similar, and those in which they differed, rendered it impossible for them to persevere in that harmony which was so necessary to the success of their undertaking.

The last king of Sicily and Naples was William II., who had married Joan, sister to Richard, and who, dying without issue, had bequeathed his dominions to his paternal aunt Constantia, the only legitimate descendant surviving of Roger the first sovereign of those states who had been honored with the royal title. This princess had, in expectation of that rich inheritance, been married to Henry VI., the reigning emperor;<sup>8</sup> but Tancred, her natural brother, had fixed such an interest among the barons, that, taking advantage of Henry's absence, he had acquired possession of the throne, and maintained his claim, by force of arms, against all the efforts of the Germans.<sup>9</sup> The approach of the crusaders naturally gave him apprehensions for his unstable government; and he was uncertain whether he had most reason to dread the presence of the French or of the English monarch. Philip was engaged in a strict alliance with the emperor, his competitor: Richard was disgusted by his rigors towards the queen dowager, whom the Sicilian prince had confined in Palermo because she had opposed with all her interest his succession to the crown. Tancred, therefore, sensible of the present necessity, resolved to pay court to both these formidable princes; and he was not unsuccessful in his endeavors. He persuaded Philip that it was highly improper for him to interrupt his enterprise against the infidels by any attempt against a Christian state: he restored Queen Joan to her liberty; and even found means to make an alliance with Richard, who stipulated by treaty to marry his nephew Arthur; the young duke of Brittany, to one of the daughters of Tancred.<sup>10</sup>

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<sup>8</sup> ... Benedict. Abbas, p. 580.]

<sup>9</sup> ... Hoveden, p. 663]

<sup>10</sup> ... Hoveden, p. 676, 677. Benedict. Abbas, p. 615.]

But before these terms of friendship were settled. Richard, jealous both of Tancred and of the inhabitants of Messina, had taken up his quarters in the suburbs, and had possessed himself of a small fort, which commanded the harbor; and he kept himself extremely on his guard against their enterprises. The citizens took umbrage. Mutual insults and attacks passed between them and the English: Philip, who had quartered his troops in the town, endeavored to accommodate the quarrel, and held a conference with Richard for that purpose. While the two kings, meeting in the open fields, were engaged in discourse on this subject, a body of those Sicilians seemed to be drawing towards them; and Richard pushed forwards in order to inquire into the reason of this extraordinary movement.<sup>11</sup> The English, indolent from their power, and inflamed with former animosities, wanted but a pretence for attacking the Messinese: they soon chased them off the field, drove them into the town, and entered with them at the gates. The king employed his authority to restrain them from pillaging and massacring the defenceless inhabitants; but he gave orders, in token of his victory, that the standard of England should be erected on the walls. Philip, who considered that place as his quarters, exclaimed against the insult, and ordered some of his troops to pull down the standard: but Richard informed him by a messenger, that though he himself would willingly remove that ground of offence, he would not permit it to be done by others; and if the French king attempted such an insult upon him, he should not succeed but by the utmost effusion of blood. Philip, content with this species of haughty submission, recalled his orders:<sup>12</sup> the difference was seemingly accommodated, but still left the remains of rancor and jealousy in the breasts of the two monarchs.

Tancred, who for his own security desired to inflame their mutual hatred, employed an artifice which might have been attended with consequences still more fatal.



He showed Richard a letter, signed by the French king, and delivered to him, as he pretended, by the duke of Burgundy; in which that monarch desired Tancred to fall upon the quarters of the English, and promised to assist him in putting them to the sword as common enemies. The unwary Richard gave credit to the information; but was too candid not to betray his discontent to Philip, who absolutely denied the letter, and charged the Sicilian prince with forgery and falsehood. Richard either was, or pretended to be, entirely satisfied.<sup>13</sup>

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<sup>11</sup> Benedict. Abbas, p. 608.]

<sup>12</sup> Hoveden, p. 674.]

<sup>13</sup> Hoveden, p. 688. Benedict. Abbas, p. 642, 643. Brompton, p. 1125]

Last these jealousies and complaints should multiply between them, it was proposed that they should, by a solemn treaty, obviate all future differences, and adjust every point that could possibly hereafter become a controversy between them. But this expedient started a new dispute, which might have proved more dangerous than any of the foregoing, and which deeply concerned the honor of Philip's family. When Richard, in every treaty with the late king, insisted so strenuously on being allowed to marry Alice of France, he had only sought a pretence for quarrelling, and never meant to take to his bed a princess suspected of a criminal amour with his own father. After he became master, he no longer spake of that alliance: he even took measures for espousing Berengaria, daughter of Sanchez, king of Navarre, with whom he had become enamored during his abode in Guienne.<sup>14</sup> Queen Eleanor was daily expected with that princess at Messina;<sup>15</sup> and when Philip renewed to him his applications for espousing his sister Alice, Richard was obliged to give him an absolute refusal. It is pretended by Hoveden and other historians,<sup>16</sup> that he was able to produce such convincing proofs of Alice's infidelity, and even of her having borne a child to Henry, that her brother desisted from his applications, and chose to wrap up the dishonor of his family in silence and oblivion. It is certain, from the treaty itself which remains,<sup>17</sup> that, whatever were his motives, he permitted Richard to give his hand to Berengaria; and having settled all

other controversies with that prince, he immediately set sail for the Holy Land. Richard awaited some time the arrival of his mother and bride, and when they joined him, he separated his fleet into two squadrons, and set forward on his enterprise. Queen Eleanor returned to England; but Berengaria, and the queen dowager of Sicily, his sister, attended him on the expedition.<sup>18</sup>

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<sup>14</sup> Vinisauf, p. 316.]

<sup>15</sup> M. Paris, p. 112. Trivet, p. 102. W. Heming. p. 519.]

<sup>16</sup> Hoveden, p. 688.]

<sup>17</sup> Bymer, vol. i. p. 69. Chron. Dunst. p. 44.]

The English fleet, on leaving the port of Messina, met with a furious tempest; and the squadron on which the two princesses were embarked was driven on the coast of Cyprus, and some of the vessels were wrecked near Limisso, in that island. Isaac, prince of Cyprus, who assumed the magnificent title of emperor, pillaged the ships that were stranded, brew the seamen and passengers into prison, and even refused to the princesses liberty, in their dangerous situation, of entering the harbor of Limisso. But Richard, who arrived soon after, took ample vengeance on him for the injury. He disembarked his troops; defeated the tyrant, who opposed his landing; entered Limisso by storm; gained next day a second victory; obliged Isaac to surrender at discretion; and established governors over the island. The Greek prince, being thrown into prison and loaded with irons, complained of the little regard with which he was treated; upon which Richard ordered silver fetters to be made for him; and this emperor, pleased with the distinction, expressed a sense of the generosity of his conqueror.<sup>19</sup> The king here espoused Berengaria, who, immediately embarking, carried along with her to Palestine the daughter of the Cypriot prince; a dangerous rival, who was believed to have seduced the affections of her husband. Such were the libertine character and conduct of the heroes engaged in this pious enterprise!

The English army arrived in time to partake in the glory of the siege of Acre or Ptolemais, which had been attacked for above two years by the

united force of all the Christians in Palestine, and had been defended by the utmost efforts of Saladin and the Saracens. The remains of the German army, conducted by the emperor Frederic, and the separate bodies of adventurers who continually poured in from the west, had enabled the king of Jerusalem to form this important enterprise;<sup>20</sup> but Saladin having thrown a strong garrison into the place under the command of Caracos, his own master in the art of war, and molesting the besiegers with continual attacks and sallies, had protracted the success of the enterprise, and wasted the force of his enemies.

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<sup>18</sup> ..... Benedict. Abbas, p. 650 Ann. Waverl. p. 164. Vinisauf, p 328 W. Heming. p. 523.]

<sup>19</sup> ..... Vinisauf. p 269, 271, 279]

The arrival of Philip and Richard inspired new life into the Christians; and these princes acting by concert, and sharing the honor and danger of every action, gave hopes of a final victory over the infidels. They agreed on this plan of operations: when the French monarch attacked the town, the English guarded the trenches: next day, when the English prince conducted the assault, the French succeeded him in providing for the safety of the assailants. The emulation between those rival kings and rival nations produced extraordinary acts of valor: Richard, in particular animated with a more precipitate courage than Philip, and more agreeable to the romantic spirit of that age, drew to himself the general attention, and acquired a great and splendid reputation. But this harmony was of short duration, and occasions of discord soon arose between these jealous and haughty princes.

The family of Bouillon, which had first been placed on the throne of Jerusalem, ending in a female, Fulk, count of Anjou, grandfather to Henry II. of England, married the heiress of that kingdom, and transmitted his title to the younger branches of his family. The Anjevan race ending also in a female, Guy de Lusignan, by espousing Sibylla, the heiress, had succeeded to the title; and though he lost his kingdom by the invasion of Saladin, he was still acknowledged by all the Christians for king of

Jerusalem.<sup>21</sup> But as Sibylla died without issue during the siege of Acre, Isabella, her younger sister, put in her claim to that titular kingdom, and required Lusignan to resign his pretensions to her husband, Conrade, marquis of Montferrat. Lusignan, maintaining that the royal title was unalienable and indefeasible, had recourse to the protection of Richard, attended on him before he left Cyprus, and engaged him to embrace his cause.<sup>22</sup> There needed no other reason for throwing Philip into the party of Conrade; and the opposite views of these great monarchs brought faction and dissension into the Christian army, and retarded all its operations. The templars, the Genoese, and the Germans, declared for Philip and Conrade; the Flemings, the Pisans, the knights of the hospital of St. John, adhered to Richard and Lusignan, But notwithstanding these disputes, as the length of the siege had reduced the Saracen garrison to the last extremity, they surrendered themselves prisoners; stipulated, in return for their lives, other advantages to the Christians, such as restoring of the Christian prisoners, and the delivery of the wood of the true cross;<sup>23</sup> and this great enterprise, which had long engaged the attention of all Europe and Asia, was at last, after the loss of three hundred thousand men, brought to a happy period.

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<sup>20</sup> Vinisauf, p. 281.]

<sup>21</sup> Trivet, p. 104. Vinisauf, p. 342. W. Heming. p. 524.]

<sup>22</sup> This true cross was lost in the battle of Tiberiade, to which it had been carried by the crusaders for their protection. Rigord, an author of that age, says, that after this dismal event, all the children who were born throughout all Christendom, had only twenty or twenty-two teeth, instead of thirty or thirty-two, which was their former complement (p. 14.)]

But Philip, instead of pursuing the hopes of further conquest, and of redeeming the holy city from slavery, being disgusted with the ascendant assumed and acquired by Richard, and having views of many advantages which he might reap by his presence in Europe, declared his resolution of returning to France; and he pleaded his bad state of health as an excuse for his desertion of the common cause. He left however, to Richard ten thousand of his troops, under the command of the duke of Burgundy; and

he renewed his oath never to commence hostilities against that prince's dominions during his absence. But he had no sooner reached Italy than he applied, it is pretended, to Pope Celestine III. for a dispensation from this vow; and when denied that request, he still proceeded, though after a covert manner, in a project which the present situation of England rendered inviting, and which gratified, in an eminent degree, both his resentment and his ambition.

Immediately after Richard had left England, and begun his march to the Holy Land, the two prelates whom he had appointed guardians of the realm, broke out into animosities against each other, and threw the kingdom into combustion. Longchamp, presumptuous in his nature, elated by the favor which he enjoyed with his master, and armed with the legantine commission, could not submit to an equality with the bishop of Durham: he even went so far as to arrest his colleague, and to extort from him a resignation of the earldom of Northumberland, and of his other dignities, as the price of his liberty.<sup>24</sup> The king, informed of these dissensions, ordered, by letters from Marseilles, that the bishop should be reinstated in his offices; but Longchamp had still the boldness to refuse compliance, on pretence that he himself was better acquainted with the king's secret intentions.<sup>25</sup> He proceeded to govern the kingdom by his sole authority; to treat all the nobility with arrogance; and to display his power and riches with an invidious ostentation. He never travelled without a strong guard of fifteen hundred foreign soldiers, collected from that licentious tribe, with which the age was generally infested: nobles and knights were proud of being admitted into his train his retinue wore the aspect of royal magnificence; and when in his progress through the kingdom, he lodged in any monastery, his attendants, it is said, were sufficient to devour in one night the revenue of several years.<sup>26</sup>

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<sup>23</sup>..... Hoveden, p. 665. Knyghton, p. 2403.]

<sup>24</sup>..... W. Heming. p 528,]

<sup>25</sup>..... Hoveden, p. 680. Benedict. Abbas, p. 626, 700. Brompton, p. 1193.]

The king, who was detained in Europe longer than the haughty prelate expected, hearing of this ostentation, which exceeded even what the habits of that age indulged in ecclesiastics; being also informed of the insolent, tyrannical conduct of his minister, thought proper to restrain his power: he sent new orders, appointing Walter, archbishop of Rouen, William Mareshal, earl of Strigul, Geoffrey Fitz-Peter, William Brie were, and Hugh Bardolf, counsellors to Longchamp, and commanding him to take no measure of importance without their concurrence and approbation. But such general terror had this man impressed by his violent conduct, that even the archbishop of Rouen and the earl of Strigul durst not produce this mandate of the king's: and Longchamp still maintained an uncontrolled authority over the nation. But when he proceeded so far as to throw into prison Geoffrey, archbishop of York, who had opposed his measures, this breach of ecclesiastical privileges excited such a universal ferment, that Prince John, disgusted with the small share he possessed in the government, and personally disobliged by Longchamp, ventured to summon at Reading a general council of the nobility and prelates, and cite him to appear before them. Longchamp thought it dangerous to intrust his person in their hands, and he shut himself, up in the tower of London; but being soon obliged to surrender that fortress, he fled beyond sea, concealed under a female habit, and was deprived of his offices of chancellor and chief justiciary, the last of which was conferred on the archbishop of Rouen, a prelate of prudence and moderation. The commission of legate, however, which had been renewed to Longchamp by Pope Celestine, still gave him, notwithstanding his absence, great authority in the kingdom, enabled him to disturb the government, and forwarded the views of Philip, who watched every opportunity of annoying Richard's dominions.

That monarch first attempted to carry open war into Normandy: but as <sup>1192.</sup> the French nobility refused to follow him in an invasion of a state which they had sworn to protect, and as the pope, who was the general guardian of all princes that had taken the cross, threatened him with ecclesiastical censures, he desisted from his enterprise, and employed against England the expedient of secret policy and intrigue. He debauched Prince John from his allegiance; promised him his sister Alice in marriage; offered to give him possession of all Richard's transmarine dominions; and had not

the authority of Queen Eleanor, and the menaces of the English council, prevailed over the inclinations of that turbulent prince, he was ready to have crossed the seas, and to have put in execution his criminal enterprises.

The jealousy of Philip was every moment excited by the glory which the great actions of Richard were gaining him in the east, and which, being compared to his own desertion of that popular cause, threw a double lustre on his rival. His envy, therefore, prompted him to obscure that fame which he had not equalled; and he embraced every pretence of throwing the most violent and most improbable calumnies on the king of England. There was a petty prince in Asia, commonly called the Old Man of the Mountain, who had acquired such an ascendant over his fanatical subjects, that they paid the most implicit deference to his commands; esteemed assassination meritorious when sanctified by his mandate; courted danger, and even certain death, in the execution of his orders; and fancied, that when they sacrificed their lives for his sake, the highest joys of paradise were the infallible reward of their devoted obedience.<sup>27</sup> It was the custom of this prince, when he imagined himself injured, to despatch secretly some of his subjects against the aggressor, to charge them with the execution of his revenge, to instruct them in every art of disguising their purpose; and no precaution was sufficient to guard any man, however powerful, against the attempts of these subtle and determined ruffians. The greatest monarchs stood in awe of this prince of the assassins, (for that was the name of his people. whence the word has passed into most European languages,) and it was the highest indiscretion in Conrade, marquis of Montferrat, to offend and affront him. The inhabitants of Tyre, who were governed by that nobleman, had put to death some of this dangerous people: the prince demanded satisfaction; for as he piqued himself on never beginning any offence,<sup>28</sup> he had his regular and established formalities in requiring atonement: Conrade treated his messengers with disdain: the prince issued the fatal orders: two of his subjects, who had insinuated themselves in disguise among Conrade's guards, openly, in the streets of Sidon, wounded him mortally; and when they were seized and put to the most cruel tortures, they triumphed amidst their agonies, and rejoiced that they had been destined by Heaven to suffer in so just and meritorious a cause.

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<sup>26</sup> ..... W. Heming. p. 532. Brompton, p. 1243.]

<sup>27</sup> ..... Rymer vol. i. p. 71.]

Every one in Palestine knew from what hand the blow came. Richard was entirely free from suspicion. Though that monarch had formerly maintained the cause of Lusignan against Conrade, he had become sensible of the bad effects attending those dissensions, and had voluntarily conferred on the former the kingdom of Cyprus, on condition that he should resign to his rival all pretensions on the crown of Jerusalem,<sup>29</sup> Conrade himself, with his dying breath, had recommended his widow to the protection of Richard;<sup>30</sup> the prince of the assassins avowed the action in a formal narrative which he sent to Europe; yet, on this foundation, the king of France thought fit to build the most egregious calumnies, and to impute to Richard the murder of the marquis of Montferrat, whose elevation he had once openly opposed. He filled all Europe with exclamations against the crime; appointed a guard for his own person, in order to defend himself against a like attempt; and endeavored, by these shallow artifices, to cover the infamy of attacking the dominions of a prince whom he himself had deserted, and who was engaged with so much glory in a war universally acknowledged to be the common cause of Christendom.

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<sup>28</sup> ..... Vinisauf, p. 391.]

<sup>29</sup> ..... Brompton, p. 1248.]

But Richard's heroic actions in Palestine were the best apology for his conduct. The Christian adventurers under his command determined, on opening the campaign, to attempt the siege of Ascalon, in order to prepare the way for that of Jerusalem; and they marched along the sea-coast with that intention. Saladin purposed to intercept their passage: and he placed himself on the road with an army, amounting to three hundred thousand combatants. On this occasion was fought one of the greatest battles of that age; and the most celebrated, for the military genius of the commanders,



for the number and valor of the troops, and for the great variety of events which attended it. Both the right wing of the Christians, commanded by D'Avesnes, and the left conducted by the duke of Burgundy, were, in the beginning of the day, broken and defeated; when Richard, who led on the main body, restored the battle; attacked the enemy with intrepidity and presence of mind; performed the part both of a consummate general and gallant soldier; and not only gave his two wings leisure to recover from their confusion, but obtained a complete victory over the Saracens, of whom forty thousand are said to have perished in the field.<sup>31</sup> Ascalon soon after fell into the hands of the Christians: other sieges were carried on with equal success; Richard was even able to advance within sight of Jerusalem, the object of his enterprise; when he had the mortification to find that he must abandon all hopes of immediate success, and must put a stop to his career of victory. The crusaders, animated with an enthusiastic ardor for the holy wars, broke at first through all regards to safety or interest in the prosecution of their purpose; and trusting to the immediate assistance of Heaven, set nothing before their eyes but fame and victory in this world, and a crown of glory in the next. But long absence from home, fatigue, disease, want, and the variety of incidents which naturally attend war, had gradually abated that fury, which nothing was able directly to withstand; and every one except the king of England, expressed a desire of speedily returning into Europe. The Germans and the Italians declared their resolution of desisting from the enterprise: the French were still more obstinate in this purpose: the duke of Burgundy, in order to pay court to Philip, took all opportunities of mortifying and opposing Richard:<sup>32</sup> and there appeared an absolute necessity of abandoning for the present all hopes of further conquest, and of securing the acquisitions of the Christians by an accommodation with Saladin, Richard, therefore concluded a truce with that monarch; and stipulated that Acre, Joppa, and other seaport towns of Palestine, should remain in the hands of the Christians, and that every one of that religion should have liberty to perform his pilgrimage to Jerusalem unmolested. This truce was concluded for three years, three months, three weeks, three days, and three hours; a magical number, which had probably been devised by the Europeans, and which was suggested by a superstition well suited to the object of the war.

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<sup>30</sup>..... Hovelen, p. 698. Benedict. Abbas, p. 677. Diceto, p. 662 Brompton, p. 1214.]

<sup>31</sup>..... Vinisauf, p. 380.]

The liberty in which Saladin indulged the Christians, to perform their pilgrimages to Jerusalem, was an easy sacrifice on his part; and the furious wars which he waged in defence of the barren territory of Judea, were not with him, as with the European adventurers, the result of superstition, but of policy, The advantage indeed of science, moderation, humanity, was at that time entirely on the side of the Saracens; and this gallant emperor, in particular, displayed, during the course of the war, a spirit and generosity, which even his bigoted enemies were obliged to acknowledge and admire. Richard, equally martial and brave, carried with him more of the barbarian character, and was guilty of acts of ferocity which threw a stain on his celebrated victories. When Saladin refused to ratify the capitulation of Acre, the king of England ordered all his prisoners, to the number of five thousand, to be butchered; and the Saracens found themselves obliged to retaliate upon the Christians by a like cruelty.<sup>33</sup>.....

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<sup>32</sup>..... Hoveden, p. 697. Benedict Abbas, p. 673. M. Paris, p. 115. Vinisauf, p. 846. W. Heming. p. 531.]

Saladin died at Damascus soon after concluding this truce with the princes of the crusade; it is memorable that, before he expired, he ordered his winding-sheet to be carried as a standard through every street of the city; while a crier went before, and proclaimed with a loud voice, "This is all that remains to the mighty Saladin, the conqueror of the East." By his last will, he ordered charities to be distributed to the poor, without distinction of Jew, Christian, or Mahometan.

There remained, after the truce, no business of importance to detain Richard in Palestine; and the intelligence which he received, concerning the intrigues of his brother John, and those of the king of France, made him sensible that his presence was necessary in Europe. As he dared not to

pass through France, he sailed to the Adriatic; and being ship-wrecked near Aquileia, he put on the disguise of a pilgrim, with a purpose of taking his journey secretly through Germany. Pursued by the governor of Istria, he was forced out of the direct road to England, and was obliged to pass by Vienna, where his expenses and liberalities betrayed the monarch in the habit of the pilgrim; and he was arrested by orders of Leopold, duke of Austria. This prince had served under Richard at the siege of Acre; but being disgusted by some insult of that haughty monarch, he was so ungenerous as to seize the present opportunity of gratifying at once his avarice and revenge; and he threw the king into prison.

The emperor, Henry VI., who also considered Richard as an enemy, on <sup>1193</sup> account of the alliance contracted by him with Tancred, king of Sicily, despatched messengers to the duke of Austria, required the royal captive to be delivered to him, and stipulated a large sum of money as a reward for this service. Thus the king of England, who had filled the whole world with his renown, found himself, during the most critical state of his affairs, confined in a dungeon, and loaded with irons, in the heart of Germany,<sup>34</sup> and entirely at the mercy of his enemies, the basest and most sordid of mankind.

The English council was astonished on receiving this fatal intelligence, and foresaw all the dangerous consequences which might naturally arise from that event. The queen dowager wrote reiterated letters to Pope Celestine; exclaiming against the injury which her son had sustained, representing the impiety of detaining in prison the most illustrious prince that had yet carried the banners of Christ into the Holy Land; claiming the protection of the apostolic see, which was due even to the meanest of those adventurers; and upbraiding the pope, that, in a cause where justice, religion, and the dignity of the church, were so much concerned, a cause which it might well befit his holiness himself to support by taking in person a journey to Germany, the spiritual thunders should so long be suspended over those sacrilegious offenders.<sup>35</sup> The zeal of Celestine corresponded not to the impatience of the queen mother; and the regency of England were, for a long time, left to struggle alone with all their domestic and foreign enemies.

The king of France, quickly informed of Richard's confinement by a message from the emperor,<sup>36</sup> prepared himself to take advantage of the incident; and he employed every means of force and intrigue, of war and negotiation, against the dominions and the person of his unfortunate rival. He revived the calumny of Richard's assassinating the marquis of Montferrat; and by that absurd pretence he induced his barons to violate their oaths, by which they had engaged that, during the crusade, they never would, on any account, attack the dominions of the king of England. He made the emperor the largest offers, if he would deliver into his hands the royal prisoner, or at least detain him in perpetual captivity he even formed an alliance by marriage with the king of Denmark, desired that the ancient Danish claim to the crown of England should be transferred to him, and solicited a supply of shipping to maintain it.

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<sup>33</sup> Chron. T. Wykes, p. 35.]

<sup>34</sup> Rymer, vol. i. p. 72, 73, 74, 75, 76, etc]

<sup>35</sup> Rymer, vol. i. p. 70.]

But the most successful of Philip's negotiations was with Prince John, who, forgetting every tie to his brother, his sovereign, and his benefactor, thought of nothing but how to make his own advantage of the public calamities. That traitor, on the first invitation from the court of France, suddenly went abroad, had a conference with Philip, and made a treaty, of which the object was the perpetual ruin of his unhappy brother. He stipulated to deliver into Philip's hands a great part of Normandy:<sup>37</sup> he received, in return, the investiture of all Richard's transmarine dominions; and it is reported by several historians, that he even did homage to the French king for the crown of England.

In consequence of this treaty, Philip invaded Normandy; and by the treachery of John's emissaries, made himself master, without opposition, of many fortresses—Neufchatel, Neaufle, Gisors, Pacey, Ivrée: he subdued the counties of Eu and Aumale; and advancing to form the siege of Rouen, he threatened to put all the inhabitants to the sword if they dared to make resistance. Happily, Robert, earl of Leicester appeared in that critical

moment, a gallant nobleman, who had acquired great honor during the crusade, and who, being more fortunate than his master in finding his passage homewards, took on him the command in Rouen, and exerted himself, by his exhortations and example, to infuse courage into the dismayed Normans. Philip was repulsed in every attack; the time of service from his vassals expired; and he consented to a truce with the English regency, received in return the promise of twenty thousand marks, and had four castles put into his hands as security for the payment.<sup>38</sup>

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<sup>36</sup> Rymer, vol. i. p. 85.]

<sup>37</sup> Hoveden, p. 730, 731. Rymer, vol. i. p. 81]

Prince John, who, with a view of increasing the general confusion, went over to England, was still less successful in his enterprises. He was only able to make himself master of the castles of Windsor and Wallingford; but when he arrived in London, and claimed the kingdom as heir to his brother, of whose death he pretended to have received certain intelligence he was rejected by all the barons, and measures were taken to oppose and subdue him.<sup>39</sup> The justiciaries, supported by the general affection of the people, provided so well for the defence of the kingdom, that John was obliged, after some fruitless efforts, to conclude a truce with them; and before its expiration, he thought it prudent to return into France, where he openly avowed his alliance with Philip.<sup>40</sup>

Meanwhile the high spirit of Richard suffered in Germany every kind of insult and indignity. The French ambassadors, in their master's name, renounced him as a vassal to the crown of France, and declared all his fiefs to be forfeited to his liege lord. The emperor, that he might render him more impatient for the recovery of his liberty, and make him submit to the payment of a larger ransom, treated him with the greatest severity, and reduced him to a condition worse than that of the meanest malefactor. He was even produced before the diet of the empire at Worms, and accused by Henry of many crimes and misdemeanors; of making an alliance with Tancred, the usurper of Sicily; of turning the arms of the crusade against a Christian prince, and subduing Cyprus; of affronting the duke of Austria

before Acre; of obstructing the progress of the Christian arms by his quarrels with the king of France; of assassinating Conrade, marquis of Montferrat; and of concluding a truce with Saladin, and leaving Jerusalem in the hands of the Saracen emperor.<sup>41</sup>

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<sup>38</sup> Hoveden, p. 724.]

<sup>39</sup> W Heming. p. 556.]

<sup>40</sup> M. Paris, p. 121. W. Heming. p. 536.]

Richard, whose spirit was not broken by his misfortunes, and whose genius was rather roused by these frivolous or scandalous imputations, after premising that his dignity exempted him from answering before any jurisdiction, except that of Heaven, yet condescended, for the sake of his reputation, to justify his conduct before that great assembly. He observed, that he had no hand in Tancred's elevation, and only concluded a treaty with a prince whom he found in possession of the throne: that the king, or rather tyrant, of Cyprus had provoked his indignation by the most ungenerous and unjust proceedings; and though he chastised this aggressor, he had not retarded a moment the progress of his chief enterprise: that if he had at any time been wanting in civility to the duke of Austria, he had already been sufficiently punished for that sally of passion; and it better became men, embarked together in so holy a cause, to forgive each other's infirmities, than to pursue a slight offence with such unrelenting vengeance: that it had sufficiently appeared by the event, whether the king of France or he were most zealous for the conquest of the Holy Land, and were most likely to sacrifice private passions and animosities to that great object: that if the whole tenor of his life had not shown him incapable of a base assassination, and justified him from that imputation in the eyes of his very enemies, it was in vain for him, at present, to make his apology, or plead the many irrefragable arguments which he could produce in his own favor: and that, however he might regret the necessity, he was so far from being ashamed of his truce with Saladin, that he rather gloried in that event; and thought it extremely honorable that, though abandoned by all the world, supported only by his

own courage, and by the small remains of his national troops, he could yet obtain such conditions from the most powerful and most warlike emperor that the East had ever yet produced. Richard, after thus deigning to apologize for his conduct, burst out into indignation at the cruel treatment which he had met with; that he, the champion of the cross, still wearing that honorable badge, should, after expending the blood and treasure of his subjects in the common cause of Christendom, be intercepted by Christian princes in his return to his own country, be thrown into a dungeon, be loaded with irons, be obliged to plead his cause as if he were a subject and a malefactor, and, what he still more regretted, be thereby prevented from making preparations for a new crusade, which he had projected, after the expiration of the truce, and from redeeming the sepulchre of Christ, which had so long been profaned by the dominion of infidels. The spirit and eloquence of Richard made such impression on the German princes, that they exclaimed loudly against the conduct of the emperor; the pope threatened him with excommunication; and Henry, who had hearkened to the proposals of the king of France and Prince John, found that it would be impracticable for him to execute his and their base purposes, or to detain the king of England any longer in captivity. He therefore concluded with him a treaty for his ransom, and agreed to restore him to his freedom for the sum of one hundred and fifty thousand marks about three hundred thousand pounds of our present money of which one hundred thousand marks were to be paid before he received his liberty, and sixty-seven hostages delivered for the remainder.<sup>42</sup> The emperor, as if to gloss over the infamy of this transaction, made at the same time a present to Richard of the kingdom of Arles, comprehending Provence, Dauphiny, Narbonne, and other states, over which the empire had some antiquated claims; a present which the king very wisely neglected.

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<sup>41</sup> Rymer, vol. i. p. 84.]

The captivity of the superior lord was one of the cases provided for by the feudal tenures; and all the vassals were in that event obliged to give an aid for his ransom. Twenty shillings were therefore levied on each knight's fee

in England; but as this money came in slowly, and was not sufficient for the intended purpose, the voluntary zeal of the people readily supplied the deficiency. The churches and monasteries melted down their plate, to the amount of thirty thousand marks; the bishop, abbots, and nobles, paid a fourth of their yearly rent; the parochial clergy contributed a tenth of their tithes; and the requisite sura being thus collected queen Eleanor, and Walter, archbishop of Rouen, set out with it for Germany;

paid the money to the emperor and the duke of Austria at Mentz; <sup>1194.</sup> delivered them hostages for the remainder, and freed. Richard from captivity. His escape was very critical. Henry had been detected in the assassination of the bishop of Liege, and in an attempt of a like nature on the duke of Louvaine; and finding himself extremely obnoxious to the German princes on account of these odious practices, he had determined to seek support from an alliance with the king of France; to detain Richard, the enemy of that prince, in perpetual captivity; to keep in his hands the money which he had already received for his ransom; and to extort fresh sums from Philip and prince John, who were very liberal in their offers to him. He therefore gave orders that Richard should be pursued and arrested; but the king, making all imaginable haste, had already embarked at the mouth of the Schelde, and was out of sight of land when the messengers of the emperor reached Antwerp.

The joy of the English was extreme on the appearance of their monarch, who had suffered so many calamities, who had acquired so much glory, and who had spread the reputation of their name into the farthest east, whither their fame had never before been able to extend. He gave them, soon after his arrival, an opportunity of publicly displaying their exultation, by ordering himself to be crowned anew at Winchester; as if he intended, by that ceremony, to reinstate himself in his throne, and to wipe off the ignominy of his captivity. Their satisfaction was not damped, even when he declared his purpose of resuming all those exorbitant grants which he had been necessitated to make before his departure for the Holy Land. The barons also, in a great council, confiscated, on account of his treason, all Prince John's possessions in England and they assisted the king in reducing the fortresses which still remained in the hands of his brother's adherents.<sup>43</sup> Richard, having settled every thing in England,



passed over with an army into Normandy; being impatient to make war on Philip, and to revenge himself for the many injuries which he had received from that monarch.<sup>44</sup> As soon as Philip heard of the king's deliverance from captivity, he wrote to his confederate John in these terms: "Take care of yourself: the devil is broken loose."<sup>45</sup>

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<sup>42</sup> Hoveden, p, 737. Ann. Waverl. p. 165. W. Heming. p. 540.]

<sup>43</sup> Hoveden, p. 740.]

<sup>44</sup> Hoveden p. 739]

When we consider such powerful and martial monarchs, inflamed with personal animosity against each other, enraged by mutual injuries, excited by rivalry, impelled by opposite interests, and instigated by the pride and violence of their own temper, our curiosity is naturally raised, and we expect an obstinate and furious war, distinguished by the greatest events, and concluded by some remarkable catastrophe. Yet are the incidents which attended those hostilities so frivolous, that scarce any historian can entertain such a passion for military descriptions as to venture on a detail of them; a certain proof of the extreme weakness of princes in those ages, and of the little authority they possessed over their refractory vassals The whole amount of the exploits on both sides, is the taking of a castle, the surprise of a straggling party, a rencounter of horse, which resembles more a rout than a battle. Richard obliged Philip to raise the siege of Verneuil; he took Loches, a small town in Anjou; he made himself master of Beaumont, and some other places of little consequence; and after these trivial exploits, the two kings began already to hold conferences for an accommodation. Philip insisted that, if a general peace were concluded, the barons on each side should for the future be prohibited from carrying on private wars against each other; but Richard replied, that this was a right claimed by his vassals, and he could not debar them from it After this fruitless negotiation, there ensued an action between the French and English cavalry at Fretteval, in which the former were routed, and the king of France's cartulary and records, which commonly at that time attended his person, were taken. But this victory leading to no important

advantages, a truce for a year was at last, from mutual weakness, concluded between the two monarchs.

During this war, Prince John deserted from Philip, threw himself at his brother's feet, craved pardon for his offences, and by the intercession of Queen Eleanor was received into favor. "I forgive him," said the king, "and hope I shall as easily forget his injuries as he will my pardon." John was incapable even of returning to his duty without committing a baseness. Before he left Philip's party, he invited to dinner all the officers of the garrison which that prince had placed in the citadel of Evreux; he massacred them during the entertainment; fell, with the assistance of the townsmen, on the garrison, whom he put to the sword; and then delivered up the place to his brother.

The king of France was the great object of Richard's resentment and animosity. The conduct of John, as well as that of the emperor and duke of Austria, had been so base, and was exposed to such general odium and reproach, that the king deemed himself sufficiently revenged for their injuries; and he seems never to have entertained any project of vengeance against any of them. The duke of Austria, about this time, having crushed his leg by the fall of his horse at a tournament, was thrown into a fever; and being struck, on the approaches of death, with remorse for his injustice to Richard, he ordered by will all the English hostages in his hands to be set at liberty and the remainder of the debt due to him to be remitted: his son, who seemed inclined to disobey these orders, was constrained by his ecclesiastics to execute them.<sup>46</sup>

The emperor also made advances for Richard's friendship, and offered <sup>1195</sup> to give him a discharge of all the debt not yet paid to him, provided he would enter into an offensive alliance against the king of France; a proposal which was very acceptable to Richard, and was greedily embraced by him. The treaty with the emperor took no effect; but it served to rekindle the war between France and England before the expiration of the truce.

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<sup>45</sup> Rymer, vol. i. p. 88, 102.]

This war was not distinguished by any more remarkable incidents than the foregoing. After mutually ravaging the open country, and taking a few insignificant castles, the two kings concluded a peace at Louviers, and made an exchange of some territories with each other.<sup>47</sup>

Their inability to wage war occasioned the peace; their mutual <sup>1196</sup> antipathy engaged them again in war before two months expired. Richard imagined that he had now found an opportunity of gaining great advantages over his rival, by forming an alliance with the counts of Flanders, Toulouse, Boulogne, Champagne, and other considerable vassals of the crown of France.<sup>48</sup> But he soon experienced the insincerity of those princes; and was not able to make any impression on that kingdom, while governed by a monarch of so much vigor and activity as Philip. The most remarkable incident of this war was the taking prisoner, in battle, the bishop of Beauvais, a martial prelate who was of the family of Dreux, and a near relation of the French king. Richard, who hated that bishop, threw him into prison, and loaded him with irons; and when the pope demanded his liberty, and claimed him as his son, the king sent to his holiness the coat of mail which the prelate had worn in battle, and which was all besmeared with blood; and he replied to him in the terms employed by Jacob's sons to that patriarch: "This have we found: know now whether it be thy son's coat or no."<sup>49</sup> This new war between England and France, though carried on with such animosity that both kings frequently put out the eyes of their prisoners, was soon finished by a truce of five years; and immediately after signing this treaty, the kings were ready, on some new offence, to break out again into hostilities, when the mediation of the cardinal of St. Mary, the pope's legate, accommodated the difference.<sup>50</sup> This prelate even engaged the princes to commence a treaty for a more durable peace; but the death of Richard put an end to the negotiation.

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<sup>46</sup> Rymer, vol. i. p. 91]

<sup>47</sup> W. Heming, p. 549. Brompton, p. 1273. Rymer, vol i. p. 94.]

<sup>48</sup> Genesis, chap, xxxvii. ver. 32. M. Paris, p; 128. Brompton, p. 1273]

<sup>49</sup> Rymer, vol. i. p. 109, 110.]

Vidomar, viscount of Limoges, a vassal of the king, had found a <sup>1199</sup> treasure, of which he sent part to that prince as a present. Richard, as superior lord, claimed the whole; and, at the head of some Brabançons, besieged the viscount in the castle of Chalus, near Limoges, in order to make him comply with his demand.<sup>51</sup> The garrison offered to surrender; but the king replied, that since he had taken the pains to come thither and besiege the place in person, he would take it by force, and would hang every one of them. The same day Richard, accompanied by Marcadée, leader of his Brabançons, approached the castle in order to survey it, when one Bertrand de Gourdon, an archer, took aim at him, and pierced his shoulder with an arrow. The king, however, gave orders for the assault, took the place, and hanged all the garrison, except Gourdon, who had wounded him, and whom he reserved for a more deliberate and more cruel execution.<sup>52</sup>

The wound was not in itself dangerous; but the unskilfulness of the surgeon made it mortal; he so rankled Richard's shoulder in pulling out the arrow, that a gangrene ensued; and that prince was now sensible that his life was drawing towards a period. He sent for Gourdon, and asked him, "Wretch, what have I ever done to you, to oblige you to seek my life?" "What have you done to me?" replied coolly the prisoner: "you killed with your own hands my father, and my two brothers; and you intended to have hanged myself: I am now in your power, and you may take revenge by inflicting on me the most severe torments; but I shall endure them all with pleasure, provided I can think that I have been so happy as to rid the world of such a nuisance,"<sup>53</sup> Richard, struck with the reasonableness of this reply, and humbled by the near approach of death, ordered Gourdon to be set at liberty, and a sum of money to be given him; but Marcadée, unknown to him, seized the unhappy man, flayed him alive, and then hanged him. Richard died in the tenth year of his reign, and the forty-second of his age; and he left no issue behind him.

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<sup>50</sup> Hoveden, p. 791. Knyghton, p. 2413.]

<sup>51</sup> Hoveden, p. 791. Knyghton, p. 2413.]

<sup>52</sup> Hoveden, p. 791. Brompton, p. 1277 Knyghton, p. 2413.]

The most shining part of this prince's character are his military talents. No man, even in that romantic age, carried personal courage and intrepidity to a greater height, and this quality gained him the appellation of the Lion-hearted, "Coeur de Lion." He passionately loved glory, chiefly military glory; and as his conduct in the field was not inferior to his valor, he seems to have possessed every talent necessary for acquiring it. His resentments also were high; his pride unconquerable; and his subjects, as well as his neighbors, had therefore reason to apprehend, from the continuance of his reign, a perpetual scene of blood and violence. Of an impetuous and vehement spirit, he was distinguished by all the good, as well as the bad, qualities incident to that character; he was open, frank, generous, sincere, and brave; he was revengeful, domineering, ambitious, haughty, and cruel; and was thus better calculated to dazzle men by the splendor of his enterprises, than either to promote their happiness, or his own grandeur, by a sound and well-regulated policy. As military talents make great impression on the people, he seems to have been much beloved by his English subjects; and he is remarked to have been the first prince of the Norman line that bore any sincere regard to them. He passed, however, only four months of his reign in that kingdom; the crusade employed him near three years; he was detained about fourteen months in captivity; the rest of his reign was spent either in war or preparations for war against France; and he was so pleased with the fame which he had acquired in the East, that he determined, notwithstanding his past misfortunes, to have further exhausted his kingdom, and to have exposed himself to new hazards, by conducting another expedition against the infidels.

Though the English pleased themselves with the glory which the king's martial genius procured them, his reign was very oppressive, and somewhat arbitrary, by the high taxes which he levied on them, and often without consent of the states or great council. In the ninth year of his reign, he levied five shillings on each hide of land; and because the clergy refused to contribute their share, he put them out of the protection of law, and ordered the civil courts to give them no sentence for any debts which they might claim.<sup>54</sup> Twice in his reign he ordered all his charters to be sealed anew, and the parties to pay fees for the renewal.<sup>55</sup>

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<sup>53</sup> Hoveden, p. 743. Tyrrel, vol. ii. p, 563.]

<sup>54</sup> Pryrnne's Chronol. Vindic. tom. i. p. 1133.]

It is said that Hubert, his justiciary, sent him over to France, in the <sup>1133</sup>. space of two years, no less a sum than one million one hundred thousand marks, besides bearing all the charges of the government in England. But this account is quite incredible, unless we suppose that Richard made a thorough dilapidation of the demesnes of the crown, which it is not likely he could do with any advantage after his former resumption of all grants. A king who possessed such a revenue, could never have endured fourteen months' captivity for not paying one hundred and fifty thousand marks to the emperor, and be obliged at last to leave hostages for a third of the sum. The prices of commodities in this reign are also a certain proof that no such enormous sum could be levied on the people. A hide of land, or about a hundred and twenty acres, was commonly let at twenty shillings a year, money of that time. As there were two hundred and forty-three thousand six hundred hides in England, it is easy to compute the amount of all the landed rents of the kingdom. The general and stated price of an ox was four shillings; of a laboring horse, the same; of a sow, one shilling; of a sheep with fine wool, tenpence with coarse wool, sixpence.<sup>56</sup> These commodities seem not to have advanced in their prices since the conquest,<sup>57</sup> and to have still been ten times cheaper than at present.

Richard renewed the severe laws against transgressors in his forests, whom he punished by castration and putting out their eyes, as in the reign of his great-grandfather. He established by law one weight and measure throughout his kingdom;<sup>58</sup> a useful institution, which the mercenary disposition and necessities of his successor engaged him to dispense with for money.

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<sup>55</sup> Hoveden, p. 745.]

<sup>56</sup> Madox, in his *Baronia Anglica*, (cap. 14,) tells us, that in the thirtieth year of Henry II., thirty-three cows and two bulls cost but eight pounds seven shillings, money of that age; five hundred sheep, twenty-two pounds ten shillings, or about tenpence three farthings per sheep; sixty-six oxen,

eighteen pounds three shillings; fifteen breeding mares, two pounds twelve shillings and sixpence; and twenty-two hogs, one pound two shillings. Commodities seem then to have been about ten times cheaper than at present; all except the sheep, probably on account of the value of the fleece. The same author, in his *Formulare Anglicanum*, (p. 17,) says, that in the tenth year of Richard I., mention is made of ten per cent, paid for money; but the Jews frequently exacted much higher interest.]

<sup>57</sup>..... M. Paris, p. 109, 134. Trivet, p. 127. Ann. Waverl. p. 165. Hoveden, p. 7.]

The disorders in London, derived from its bad police, had risen to a great height during this reign; and in the year 1196, there seemed to be formed so regular a conspiracy among the numerous malefactors, as threatened the city with destruction. There was one William Fitz-Osbert, commonly called Longbeard, a lawyer, who had rendered himself extremely popular among the lower rank of citizens; and by defending them on all occasions, had acquired the appellation of the advocate or savior of the poor. He exerted his authority by injuring and insulting the more substantial citizens, with whom he lived in a state of hostility, and who were every moment exposed to the most outrageous violences from him and his licentious emissaries. Murders were daily committed in the streets; houses were broken open and pillaged in daylight; and it is pretended, that no less than fifty-two thousand persons had entered into an association, by which they bound themselves to obey all the orders of this dangerous ruffian. Archbishop Hubert, who was then chief justiciary, summoned him before the council to answer for his conduct; but he came so well attended, that no one durst accuse him, or give evidence against him; and the primate, finding the impotence of law, contented himself with exacting from the citizens hostages for their good behavior. He kept, however, a watchful eye on Fitz-Osbert, and seizing a favorable opportunity, attempted to commit him to custody; but the criminal, murdering one of the public officers, escaped with his concubine to the church of St. Mary le Bow, where he defended himself by force of arms. He was at last forced from his retreat, condemned, and executed, amidst the regrets of the populace, who were so devoted to his memory, that they stole his gibbet, paid the same veneration to it as to the cross, and were equally zealous in propagating and attesting reports of the miracles wrought by it.<sup>59</sup>..... But though the

sectaries of this superstition were punished by the justiciary,<sup>60</sup> it received so little encouragement from the established clergy whose property was endangered by such seditious practices, that it suddenly sunk and vanished.

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<sup>58</sup> Hoveden, p 765. Diceto, p. 691. Neub. p 192, 498]

<sup>59</sup> Gervase, p. 1551.]

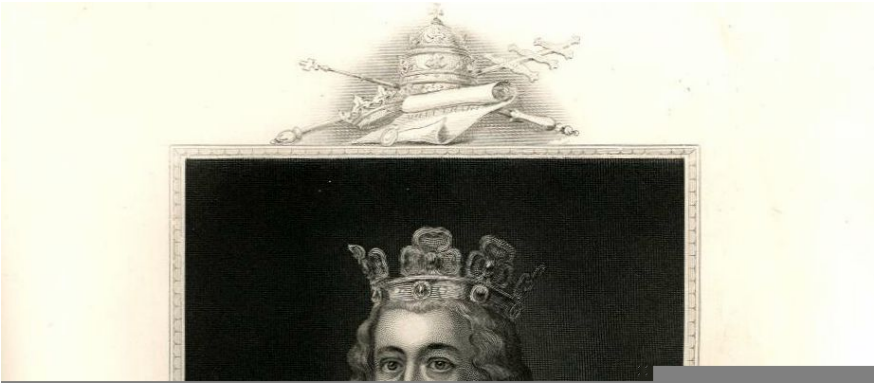
It was during the crusades that the custom of using coats of arms was first introduced into Europe. The knights, cased up in armor, had no way to make themselves be known and distinguished in battle, but by the devices on their shields; and these were gradually adopted by their posterity and families, who were proud of the pious and military enterprises of their ancestors.

King Richard was a passionate lover of poetry: there even remain some poetical works of his composition: and he bears a rank among the Provençal poets or Trobadores, who were the first of the modern Europeans that distinguished themselves by attempts of that nature.





## **CHAPTER 11.**



**JOHN.**

THE noble and free genius of the ancients, which made the government 1199. of a single person be always regarded as a species of tyranny and usurpation, and kept them from forming any conception of a legal and regular monarchy, had rendered them entirely ignorant both of the rights of primogeniture and a representation in succession; inventions so necessary for preserving order in the lines of princes, for obviating the evils of civil discord and of usurpation, and for begetting moderation in that species of government, by giving security to the ruling sovereign. These innovations arose from the feudal law; which, first introducing the right of primogeniture, made such a distinction between the families of the elder and younger brothers, that the son of the former was thought entitled to succeed to his grandfather, preferably to his uncles, though nearer allied to the deceased monarch. But though this progress of ideas was natural, it was gradual. In the age of which we treat, the practice of representation was indeed introduced, but not thoroughly established; and the minds of men fluctuated between opposite principles. Richard, when he entered on the holy war, declared his nephew Arthur, duke of Brittany, his successor; and by a formal deed he set aside, in his favor, the title of his brother John, who was younger than Godfrey, the father of that prince.<sup>1</sup>

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<sup>1</sup> Hoveden, p. 677.]

But John so little acquiesced in that destination that when he gained the ascendant in the English ministry by expelling Longchamp, the chancellor and great justiciary, he engaged all the English barons to swear that they would maintain his right of succession; and Richard, on his return, took no steps towards restoring or securing the order which he had at first established. He was even careful, by his last will, to declare his brother John heir to all his dominions; whether, that he now thought Arthur, who was only twelve years of age, incapable of asserting his claim against John's faction, or was influenced by Eleanor, the queen mother, who hated Constantia, mother of the young duke, and who dreaded the credit which that princess would naturally acquire if her son should mount the throne. The authority of a testament was great in that age, even where the succession of a kingdom was concerned; and John had reason to hope,

that this title, joined to his plausible right in other respects, would insure him the succession. But the idea of representation seems to have made, at this time, greater progress in France than in England; the barons of the transmarine provinces Anjou, Maine, and Touraine, immediately declared in favor of Arthur's title, and applied for assistance to the French monarch as their superior lord. Philip, who desired only an occasion to embarrass John, and dismember his dominions, embraced the cause of the young duke of Brittany, took him under his protection, and sent him to Paris to be educated along with his own son Lewis. In this emergency, John hastened to establish his authority in the chief members of the monarchy; and after sending Eleanor into Poictou and Guienne, where her right was incontestable, and was readily acknowledged, he hurried to Rouen, and having secured the duchy of Normandy, he passed over, without loss of time, to England. Hubert, archbishop of Canterbury, William Mareschal, earl of Strigul, who also passes by the name of earl of Pembroke, and Geoffrey Fitz-Peter, the justiciary, the three most favored ministers of the late king, were already engaged on his side; and the submission or acquiescence of all the other barons put him, without opposition, in possession of the throne.

The king soon returned to France, in order to conduct the war against Philip, and to recover the revolted provinces from his nephew Arthur. The alliances which Richard had formed with the earl of Flanders, and other potent French princes, though they had not been very effectual, still subsisted, and enabled John to defend himself against all the efforts of his enemy. In an action between the French and Flemings, the elect bishop of Cambrai was taken prisoner by the former; and when the cardinal of Capua claimed his liberty, Philip, instead of complying, reproached him with the weak efforts which he had employed in favor of the bishop of Beauvais, who was in a like condition. The legate, to show his impartiality, laid at the same time the kingdom of France and the duchy of Normandy under an interdict; and the two kings found themselves obliged to make an exchange of these military prelates.

Nothing enabled the king to bring this war to a happy issue so much as <sup>1200.</sup> the selfish, intriguing character of Philip, who acted, in the provinces that had declared for Arthur, without any regard to the interests of that prince.

Constantia, seized with a violent jealousy that he intended to usurp the entire dominion of them, found means to carry off her son secretly from Paris: she put him into the hands of his uncle; restored the provinces which had adhered to the young prince; and made him do homage for the duchy of Brittany, which was regarded as a re-re-fief of Normandy. From this incident, Philip saw that he could not hope to make any progress against John; and being threatened with an interdict on account of his irregular divorce from Ingelburga, the Danish princess whom he had espoused, he became desirous of concluding a peace with England. After some fruitless conferences, the terms were at last adjusted; and the two monarchy seemed in this treaty to have an intention, besides ending the present quarrel, of preventing all future causes of discord, and of obviating every controversy which could hereafter arise between them. They adjusted the limits of all their territories; mutually secured the interests of their vassals, and, to render the union more durable, John gave his niece, Blanche of Castile, in marriage to Prince Lewis, Philip's eldest son, and with her the baronies of Issoudun and Graçai, and other fiefs in Berri. Nine barons of the king of England, and as many of the king of France, were guaranties of this treaty; and all of them swore, that, if their sovereign violated any article of it, they would declare themselves against him, and embrace the cause of the injured monarch. John, now secure, as he imagined, on the side of France indulged his passion for Isabella, the daughter and heir of Aymar Tailleffer, count of Angouleme, a lady with whom he had become much enamored. His queen, the heiress of the family of Gloucester, was still alive: Isabella was married to the count de la Marche, and was already consigned to the care of that nobleman; though, by reason of her tender years, the marriage had not been consummated. The passion of John made him overlook all these obstacles: he persuaded the count of Angouleme to carry off his daughter from her husband; and having, on some pretence or other, procured a divorce from his own wife, he espoused Isabella; regardless both of the menaces of the pope, who exclaimed against these irregular proceedings, and of the resentment of the injured count, who soon found means of punishing his powerful and insolent rival.

John had not the art of attaching his barons either by affection or by <sup>1201</sup>. fear. The count de la Marche, and his brother, the count d'Eu, taking

advantage of the general discontent against him, excited commotions in Poictou and Normandy, and obliged the king to have recourse to arms, in order to suppress the insurrection of his vassals. He summoned together the barons of England, and required them to pass the sea under his standard, and to quell the rebels: he found that he possessed as little authority in that kingdom as in his transmarine provinces. The English barons unanimously replied, that they would not attend him on this expedition, unless he would promise to restore and preserve their privileges; the first symptom of a regular association and plan of liberty among those noblemen. But affairs were not yet fully ripe for the revolution projected. John, by menacing the barons, broke the concert; and both engaged many of them to follow him into Normandy, and obliged the rest, who staid behind, to pay him a scutage of two marks on each knight's fee, as the price of their exemption from the service.

The force which John carried abroad with him, and that which joined him in Normandy, rendered him much superior to his malecontent barons; and so much the more, as Philip did not publicly give them any countenance, and seemed as yet determined to persevere steadily in the alliance which he had contracted with England. But the king, elated with his superiority, advanced claims which gave a universal alarm to his vassals, and diffused still wider the general discontent. As the jurisprudence of those times required that the causes in the lord's court should chiefly be decided by duel, he carried along with him certain bravos, whom he retained as champions, and whom he destined to fight with his barons, in order to determine any controversy which he might raise against them. The count de la Marche and other noblemen regarded this proceeding as an affront, as well as an injury; and declared, that they would never draw their swords against men of such inferior quality. The king menaced them with vengeance; but he had not vigor to employ against them the force in his hands, or to prosecute the injustice, by crushing entirely the nobles who opposed it.

This government, equally feeble and violent, gave the injured barons courage, as well as inclination, to carry further their opposition: they appealed to the king of France; complained of the denial of justice in John's court; demanded redress from him as their superior lord; and

entreated him to employ his authority, and prevent their final ruin and oppression. Philip perceived his advantage, opened his mind to great projects, interposed in behalf of the French barons, and began to talk in a high and menacing style to the king of England.

John, who could not disavow Philip's authority, replied, that it <sup>1202</sup> belonged to himself first to grant them a trial by their peers in his own court; it was not till he failed in this duty, that he was answerable to his peers in the supreme court of the French king; and he promised, by a fair and equitable judicature, to give satisfaction to his barons. When the nobles, in consequence of this engagement, demanded a safe conduct, that they might attend his court, he at first refused it: upon the renewal of Philip's menaces, he promised to grant their demand; he violated this promise: fresh menaces extorted from him a promise to surrender to Philip the fortresses of Tillières and Boutavant, as a security for performance; he again violated this engagement: his enemies, sensible both of his weakness and want of faith combined still closer in the resolution of pushing him to extremities; and a new and powerful ally soon appeared to encourage them in their invasion of this odious and despicable government.

The young duke of Brittany, who was now rising to man's estate, <sup>1203</sup> sensible of the dangerous character of his uncle, determined to seek both his security and elevation by a union with Philip and the malecontent barons. He joined the French army which had begun hostilities against the king of England: he was received with great marks of distinction by Philip; was knighted by him; espoused his daughter Mary; and was invested not only in the duchy of Brittany, but in the counties of Anjou and Maine, which he had formerly resigned to his uncle. Every attempt succeeded with the allies. Tillières and Boutavant were taken by Philip, after making a feeble defence: Mortimar and Lyons fell into his hands almost without resistance. That prince next invested Gournai; and opening the sluices of a lake which lay in the neighborhood, poured such a torrent of water into the place, that the garrison deserted it, and the French monarch, without striking a blow, made himself master of that important fortress. The progress of the French arms was rapid, and promised more considerable success than usually in that age attended military enterprises. In answer to

every advance which the king made towards peace, Philip still insisted that he should resign all his transmarine dominions to his nephew and rest contented with the kingdom of England; when an event happened, which seemed to turn the scales in favor of John, and to give him a decisive superiority over his enemies.

Young Arthur, fond of military renown, had broken into Poictou at the head of a small army; and passing near Mirebeau, he heard that his grandmother, Queen Eleanor, who had always opposed his interests, was lodged in that place and was protected by a weak garrison and ruinous fortifications. He immediately determined to lay siege to the fortress, and make himself master of her person; but John, roused from his indolence by so pressing an occasion, collected an army of English and Brabançons, and advanced from Normandy with hasty marches to the relief of the queen mother. He fell on Arthur's camp, before that prince was aware of the danger; dispersed his army; took him prisoner together with the count de la Marche, Geoffrey de Lusignan, and the most considerable of the revolted barons, and returned in triumph to Normandy. Philip, who was lying before Arques, in that duchy, raised the siege and retired upon his approach. The greater part of the prisoners were sent over to England, but Arthur was shut up in the castle of Falaise.

The king had here a conference with his nephew; represented to him the folly of his pretensions; and required him to renounce the French alliance, which had encouraged him to live in a state of enmity with all his family; but the brave, though imprudent youth, rendered more haughty from misfortunes, maintained the justice of his cause; asserted his claim, not only to the French provinces, but to the crown of England; and, in his turn, required the king to restore the son of his elder brother to the possession of his inheritance; John, sensible, from these symptoms of spirit, that the young prince, though now a prisoner, might hereafter prove a dangerous enemy, determined to prevent all future peril by despatching his nephew; and Arthur was never more heard of. The circumstances which attended this deed of darkness were, no doubt, carefully concealed by the actors, and are variously related by historians; but the most probable account is as follows: The king, it is said, first proposed to William de la Braye, one of his servants, to despatch Arthur; but William



replied that he was a gentleman, not a hangman; and he positively refused compliance. Another instrument of murder was found, and was despatched with proper orders to Falaise; but Huber de Bourg, chamberlain to the king, and constable of the castle, feigning that he himself would execute the king's mandate, sent back the assassin, spread the report that the young prince was dead, and publicly performed all the ceremonies of his interment; but finding that the Bretons vowed revenge for the murder, and that all the revolted barons persevered more obstinately in their rebellion, he thought it prudent to reveal the secret, and to inform the world that the duke of Brittany was still alive, and in his custody. This discovery proved fatal to the young prince: John first removed him to the castle of Rouen; and coming in a boat, during the night time, to that place, commanded Arthur to be brought forth to him. The young prince, aware of his danger, and now more subdued by the continuance of his misfortunes, and by the approach of death, threw himself on his knees before his uncle, and begged for mercy: but the barbarous tyrant, making no reply, stabbed him with his own hands; and fastening a stone to the dead body, threw it into the Seine.

All men were struck with horror at this inhuman deed; and from that moment the king, detested by his subjects, retained a very precarious authority over both the people and the barons in his dominions. The Bretons, enraged at this disappointment in their fond hopes, waged implacable war against him; and fixing the succession of their government, put themselves in a posture to revenge the murder of their sovereign. John had got into his power his niece, Eleanor, sister to Arthur, commonly called 'the damsel of Brittany,' and carrying her over to England, detained her ever after in captivity:<sup>2</sup> but the Bretons, in despair of recovering this princess, chose Alice for their sovereign; a younger daughter of Constantia, by her second marriage with Gui de Thouars; and they intrusted the government of the duchy to that nobleman. The states of Brittany meanwhile carried their complaints before Philip as their liege lord, and demanded justice for the violence committed by John on the person of Arthur, so near a relation, who, notwithstanding the homage which he did to Normandy, was always regarded as one of the chief vassals of the crown. Philip received their application with pleasure; summoned John to stand a trial before him; and on his non-appearance, passed sentence, with the

concurrence of the peers, upon that prince; declared him guilty of felony and parricide; and adjudged him to forfeit to his superior lord all his seigniories and fiefs in France.<sup>3</sup>

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<sup>2</sup> Trivet, p. 143. T. Wykes, p. 36. Ypod. Neust. p. 469.]

<sup>3</sup> W. Heming, p. 455. M. West. p. 264. Knyghton, p. 2420]

The king of France, whose ambitious and active spirit had been hitherto confined, either by the sound policy of Henry, or the martial genius of Richard, seeing now the opportunity favorable against this base and odious prince, embraced the project of expelling the English, or rather the English king, from France, and of annexing to the crown so many considerable fiefs, which, during several ages, had been dismembered from it. Many of the other great vassals, whose jealousy might have interposed, and have obstructed the execution of this project, were not at present in a situation to oppose it; and the rest either looked on with indifference or gave their assistance to this dangerous aggrandizement of their superior lord. The earls of Flanders and Blois were engaged in the holy war: the count of Champagne was an infant, and under the guardianship of Philip: the duchy of Brittany, enraged at the murder of their prince, vigorously promoted all his measures: and the general defection of John's vassals made every enterprise easy and successful against him. Philip, after taking several castles and fortresses beyond the Loire, which he either garrisoned or dismantled, received the submissions of the count of Alençon, who deserted John, and delivered up all the places under his command to the French; upon which Philip broke up his camp, in order to give the troops some repose after the fatigues of the campaign. John, suddenly collecting some forces, laid siege to Alençon; and Philip, whose dispersed army could not be brought together in time to succor it, saw himself exposed to the disgrace of suffering the oppression of his friend and confederate. But his active and fertile genius found an expedient against this evil. There was held at that very time a tournament at Moret, in the Gatinois; whither all the chief nobility of France and the neighboring countries had resorted, in order to signalize their prowess and

address. Philip presented himself before them; craved their assistance in his distress; and pointed out the plains of Alençon, as the most honorable field in which they could display their generosity and martial spirit. Those valorous knights vowed that they would take vengeance on the base parricide, the stain of arms and of chivalry; and putting themselves, with all their retinue, under the command of Philip, instantly marched to raise the siege of Alençon. John, hearing of their approach, fled from before the place; and in the hurry, abandoned all his tents, machines, and baggage to the enemy.

This feeble effort was the last exploit of that slothful and cowardly prince for the defence of his dominions. He thenceforth remained in total inactivity at Rouen; passing ill his time with his young wife in pastimes and amusements, as if his state had been in the most profound tranquillity, or his affairs in the most prosperous condition. If he ever mentioned war, it was only to give himself vaunting airs, which, in the eyes of all men, rendered him still more despicable and ridiculous. "Let the French go on," said he; "I will retake in a day what it has cost them years to acquire."<sup>4</sup> His stupidity and indolence appeared so extraordinary that the people endeavored to account for the infatuation by sorcery, and believed that he was thrown into this lethargy by some magic or witchcraft. The English barons, finding that their time was wasted to no purpose, and that they must suffer the disgrace of seeing, without resistance, the progress of the French arms, withdrew from their colors, and secretly returned to their own country;<sup>5</sup> No one thought of defending a man who seemed to have deserted himself; and his subjects regarded his fate with the same indifference, to which in this pressing exigency, they saw him totally abandoned.

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<sup>4</sup> M. Paris, p. 146. M. West. p. 266.]

<sup>5</sup> M. Paris, p. 146. M. West. p. 264,]

John, while he neglected all domestic resources, had the meanness to betake himself to a foreign power, whose protection he claimed: he applied to the pope, Innocent III., and entreated him to interpose his authority

between him and the French monarch. Innocent, pleased with any occasion of exerting his superiority, sent Philip orders to stop the progress of his arms, and to make peace with the king of England. But the French barons received the message with indignation; disclaimed the temporal authority assumed by the pontiff; and vowed that they would, to the uttermost, assist their prince against all his enemies; Philip, seconding their ardor, proceeded, instead of obeying the pope's envoys, to lay siege to Chateau Gaillard, the most considerable fortress which remained to guard the frontiers of Normandy.

Chateau Gaillard was situated partly on an island in the River Seine, <sup>1204</sup> partly on a rock opposite to it; and was secured by every advantage which either art or nature could bestow upon it. The late king, having cast his eye on this favorable situation, had spared no labor or expense in fortifying it; and it was defended by Roger de Laci, constable of Chester, a determined officer, at the head of a numerous garrison. Philip, who despaired of taking the place by force proposed to reduce it by famine; and that he might cut off its communication with the neighboring country, he threw a bridge across the Seine, while he himself, with his army blockaded it by land. The earl of Pembroke, the man of greatest vigor and capacity in the English court, formed a plan for breaking through the French intrenchments, and throwing relief into the place. He carried with him an army of four thousand infantry and three thousand cavalry, and suddenly attacked, with great success, Philip's camp in the night time; having left orders that a fleet of seventy flat-bottomed vessels should sail up the Seine, and fall at the same instant on the bridge. But the wind and the current of the river, by retarding the vessels, disconcerted this plan of operations; and it was morning before the fleet appeared; when Pembroke, though successful in the beginning of the action, was already repulsed with considerable loss, and the king of France had leisure to defend himself against these new assailants, who also met with a repulse. After this misfortune, John made no further efforts for the relief of Chateau Gaillard: and Philip had all the leisure requisite for conducting and finishing the siege. Roger de Laci defended himself for a twelvemonth with great obstinacy; and having bravely repelled every attack, and patiently borne all the hardships of famine, he was at last overpowered by a sudden assault in the night time, and made prisoner of war, with his garrison.<sup>6</sup> Philip, who knew how to

respect valor, even in an enemy, treated him with civility, and gave him the whole city of Paris for the place of his confinement.

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<sup>6</sup> Trivet p. 144. Gul. Britto, lib. vii. Ann. Waverl, p. 168.]

When this bulwark of Normandy was once subdued, all the province lay open to the inroads of Philip; and the king of England despaired of being any longer able to defend it. He secretly prepared vessels for a scandalous flight; and, that the Normans might no longer doubt of his resolution to abandon them, he ordered the fortifications of Pont de l'Arche, Moulineux, and Monfort l'Amauri to be demolished. Not daring to repose confidence in any of his barons whom he believed to be universally engaged in a conspiracy against him, he intrusted the government of the province to Arenas Martin and Lupicaire, two mercenary Brabançons, whom he had retained in his service. Philip, now secure of his prey, pushed his conquests with vigor and success against the dismayed Normans. Falaise was first besieged; and Lupicare, who commanded in this impregnable fortress, after surrendering the place, enlisted himself with his troops in the service of Philip, and carried on hostilities against his ancient master. Caen, Coutance, Seez, Evreux, Baieux, soon fell into the hands of the French monarch, and all the lower Normandy was reduced under his dominion! To forward his enterprises on the other division of the province, Gui de Thouars, at the head of the Bretons, broke into the territory, and took Mount St. Michael, Avranches, and all the other fortresses in that neighborhood. The Normans, who abhorred the French yoke and who would have defended themselves to the last extremity, if their prince had appeared to conduct them, found no resource but in submission; and every city opened its gates as soon as Philip appeared before it. Rouen alone, Arques, and Verneuil determined to maintain their liberties; and formed a confederacy for mutual defence.

Philip began with the siege of Rouen: the inhabitants were so inflamed <sup>1205.</sup> with hatred to France, that on the appearance of his army, they fell on all the natives of that country whom they found within their walls, and put them to death. But after the French king had begun his operations with success, and had taken some of their outworks, the citizens, seeing no

resource, offered to capitulate; and demanded only thirty days to advertise their prince of their danger, and to require succors against the enemy. Upon the expiration of the term, as no supply had arrived, they opened their gates to Philip;<sup>7</sup> and the whole province soon after imitated the example, and submitted to the victor. Thus was this important territory reunited to the crown of France, about three centuries after the cession of it by Charles the Simple to Rollo, the first duke; and the Normans, sensible that this conquest was probably final, demanded the privilege of being governed by French laws; which Philip, making a few alterations on the ancient Norman customs, readily granted them. But the French monarch had too much ambition and genius to stop in his present career of success. He carried his victorious army into the western provinces; soon reduced Anjou, Maine, Touraine, and part of Poictou;<sup>8</sup> and in this manner the French crown, during the reign of one able and active prince, received such an accession of power and grandeur, as, in the ordinary course of things, it would have required several ages to attain.

John, on his arrival in England, that he might cover the disgrace of his own conduct, exclaimed loudly against his barons, who, he pretended, had deserted his standard in Normandy; and he arbitrarily extorted from them a seventh of all their movables, as a punishment for the offence.<sup>9</sup>

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<sup>7</sup> Trivet, p. 147. Ypod. Neust. p. 469.]

<sup>8</sup> Trivet, p 149]

<sup>9</sup> M. Paris, p. 146. M. West. p. 265.]

Soon after he forced them to grant him a scutage of two marks and a half on each knights' fee for an expedition into Normandy; but he did not attempt to execute the service for which he pretended to exact it. Next year, he summoned all the barons of his realm to attend him on this foreign expedition, and collected ships from all the seaports; but meeting with opposition from some of his ministers, and abandoning his design, he dismissed both fleet and army, and then renewed his exclamations against the barons for deserting him. He next put to sea with a small army, and his subjects believed that he was resolved to expose himself to the utmost

hazard for the defence and recovery of his dominions; but they were surprised, after a few days, to see him return again into harbor, without attempting anything.

In the subsequent season, he had the courage to carry his hostile <sup>1206.</sup> measures a step farther. Gui de Thouars, who governed Brittany, jealous of the rapid progress made by his ally, the French king, promised to join the king of England with all his forces; and John ventured abroad with a considerable army, and landed at Rochelle. He marched to Angers, which he took and reduced to ashes. But the approach of Philip with an army threw him into a panic; and he immediately made proposals for peace, and fixed a place of interview with his enemy; but instead of keeping this engagement, he stole off with his army, embarked at Rochelle, and returned, loaded with new shame and disgrace, into England. The mediation of the pope procured him at last a truce for two years with the French monarch;<sup>10</sup> almost all the transmarine provinces were ravished from him; and his English barons, though harassed with arbitrary taxes and fruitless expeditions, saw themselves and their country baffled and affronted in every enterprise.

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<sup>10</sup> Rymer, vol. i. p. 141.]

In an age when personal valor was regarded as the chief accomplishment, such conduct as that of John, always disgraceful, must be exposed to peculiar contempt; and he must thenceforth have expected to rule his turbulent vassals with a very doubtful authority. But the government exercised by the Norman princes had wound up the royal power to so high a pitch, and so much beyond the usual tenor of the feudal constitutions, that it still behoved him to be debased by new affronts and disgraces, ere his barons could entertain the view of conspiring against him in order to retrench his prerogatives.

The church, which at that time declined not a contest with the most powerful and most vigorous monarchs, took first advantage of John's imbecility; and, with the most aggravating circumstances of insolence and scorn, fixed her yoke upon him.

The papal chair was then filled by Innocent III., who, having attained that dignity at the age of thirty-seven years, and being endowed with a lofty and enterprising genius gave full scope to his ambition, and attempted, perhaps more openly than any of his predecessors, to convert that superiority which was yielded him by all the European princes, into a real dominion over them. The hierarchy, protected by the Roman pontiff, had already carried to an enormous height its usurpations upon the civil power; but in order to extend them farther, and render them useful to the court of Rome, it was necessary to reduce the ecclesiastics themselves under an absolute monarchy, and to make them entirely dependent on their spiritual leader. For this purpose, Innocent first attempted to impose taxes at pleasure upon the clergy; and in the first year of this century, taking advantage of the popular frenzy for crusades, he sent collectors over all Europe, who levied by his authority the fortieth of all ecclesiastical revenues for the relief of the Holy Land, and received the voluntary contributions of the laity to a like amount.<sup>11</sup> The same year, Hubert, archbishop of Canterbury, attempted another innovation, favorable to ecclesiastical and papal power: in the king's absence, he summoned, by his legantine authority, a synod of all the English clergy, contrary to the inhibition of Geoffrey Fitz-Peter, the chief justiciary; and no proper censure was ever passed on this encroachment, the first of the kind, upon the royal power. But a favorable incident soon after happened, which enabled so aspiring a pontiff as Innocent to extend still farther his usurpations on so contemptible a prince as John.

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<sup>11</sup> Rymer, vol. i. p. 119.]

Hubert, the primate, died in 1205; and as the monks or canons of Christ-church, Canterbury, possessed a right of voting in the election of their archbishop, some of the juniors of the order, who lay in wait for that event, met clandestinely the very night of Hubert's death; and without any congé d'élire from the king, chose Reginald, their sub-prior, for the successor; installed him in the archiepiscopal throne before midnight; and having enjoined him the strictest secrecy, sent him immediately to Rome, in order to solicit the confirmation of his election.<sup>12</sup> The vanity of Reginald



prevailed over his prudence; and he no sooner arrived in Flanders than he revealed to every one the purpose of his journey, which was immediately known in England.<sup>13</sup> The king was enraged at the novelty and temerity of the attempt, in filling so important an office without his knowledge or consent: the suffragan bishops of Canterbury, who were accustomed to concur in the choice of their primate, were no less displeased at the exclusion given them in this election: the senior monks of Christ-church were injured by the irregular proceedings of their juniors: the juniors themselves, ashamed of their conduct, and disgusted with the levity of Reginald, who had broken his engagements with them, were willing to set aside his election:<sup>14</sup> and all men concurred in the design of remedying the false measures which had been taken. But as John knew that this affair would be canvassed before a superior tribunal, where the interposition of royal authority in bestowing ecclesiastical benefices was very invidious; where even the cause of suffragan bishops was not so favorable as that of monks; he determined to make the new election entirely unexceptionable, he submitted the affair wholly to the canons of Christ-church; and departing from the right claimed by his predecessors, ventured no farther than to inform them, privately, that they would do him an acceptable service if they chose John de Gray, bishop of Norwich, for their primate.<sup>15</sup>

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<sup>12</sup> M. Paris, p 148. M. West. p. 266.]

<sup>13</sup> M. Paris, p. 148. M. West. p. 266.]

<sup>14</sup> M. West. p. 266.]

<sup>15</sup> M. Paris, p. 149. M. West. p. 266.]

The election of that prelate was accordingly made without a contradictory vote; and the king, to obviate all contests, endeavored to persuade the suffragan bishops not to insist on their claim of concurring in the election; but those prelates, persevering in their pretensions, sent an agent to maintain their cause before Innocent; while the king, and the convent of Christ-church, despatched twelve monks of that order to support, before the same tribunal, the election of the bishop of Norwich.

Thus there lay three different claims before the pope, whom all parties allowed to be the supreme arbiter in the contest. The claim of the suffragans, being so opposite to the usual maxims of the papal court, was soon set aside: the election of Reginald was so obviously fraudulent and irregular, that there was no possibility of defending it: but Innocent maintained, that though this election was null and invalid, it ought previously to have been declared such by the sovereign pontiff, before the monks could proceed to a new election; and that the choice of the bishop of Norwich was of course as uncanonical as that of his competitor.<sup>16</sup> Advantage was, therefore taken of this subtlety for introducing a precedent, by which the see of Canterbury, the most important dignity, in the church after the papal throne, should ever after be at the disposal of the court of Rome.

While the pope maintained so many fierce contests, in order to wrest from princes the right of granting investitures, and to exclude laymen from all authority in conferring ecclesiastical benefices, he was supported by the united influence of the clergy; who, aspiring to independence, fought, with all the ardor of ambition, and all the zeal of superstition, under his sacred banners. But no sooner was this point, after a great effusion of blood, and the convulsions of many states, established in some tolerable degree, than the victorious leader as is usual, turned his arms against his own community, and aspired to centre all power in his person. By the invention of reserves, provisions, commendams, and other devices, the pope gradually assumed the right of filling vacant benefices; and the plenitude of his apostolic power, which was not subject to any limitations, supplied all defects of title in the person on whom he bestowed preferment. The canons which regulated elections were purposely rendered intricate and involved: frequent disputes arose among candidates: appeals were every day carried to Rome: the apostolic see, besides reaping pecuniary advantages from these contests, often exercised the power of setting aside both the litigants, and, on pretence of appeasing faction, nominated a third person, who might be more acceptable to the contending parties.

The present controversy about the election to the see of Canterbury afforded Innocent an opportunity of claiming this right; and he failed not to perceive and avail himself of the advantage. He sent for the twelve

monks deputed by the convent to maintain the cause of the bishop of Norwich; and commanded them, under the penalty of excommunication, to choose for their primate, Cardinal Langton, an Englishman by birth, but educated in France, and connected, by his interests and attachments, with the see of Rome.<sup>17</sup>.....

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<sup>16</sup> M. Paris, p. 155. Chron. de Mailr.p. 182.]

<sup>17</sup> M. Paris, p 155. Ann. Waverl. p. 169. W. Heming. p. 553 Knyghton, p. 2415.]

In vain did the monks represent, that they had received from their convent no authority for this purpose; that an election without a previous writ from the king, would be deemed highly irregular and that they were merely agents for another person, whose right they had no power or pretence to abandon. None of them had the courage to persevere in this opposition, except one, Elias de Brantefield: all the rest, overcome by the menaces and authority of the pope, complied with his orders, and made the election required of them.

Innocent, sensible that this flagrant usurpation would be highly resented by the court of England, wrote John a mollifying letter; sent him four golden rings set with precious stones; and endeavored to enhance the value of the present, by informing him of the many mysteries implied in it. He begged him to consider seriously the form of the rings, their number, their matter, and their color. Their form, he said, being round, shadowed out eternity, which had neither beginning nor end; and he ought thence to learn his duty of aspiring from earthly objects to heavenly, from things temporal to tilings eternal. The number four, being a square, denoted steadiness of mind, not to be subverted either by adversity or prosperity, fixed forever on the firm basis of the four cardinal virtues. Gold, which is the matter, being the most precious of metals, signified wisdom, which is the most valuable of all accomplishments, and justly preferred by Solomon to riches, power, and all exterior attainments. The blue color of the sapphire represented faith; the verdure of the emerald, hope; the redness of the ruby, charity; and the splendor of the topaz, good works.<sup>18</sup>..... By these

conceits, Innocent endeavored to repay John for one of the most important prerogatives of his crown, which he had ravished from him; conceits probably admired by Innocent himself. For it is easily possible for a man, especially in a barbarous age, to unite strong talents for business with an absurd taste for literature and the arts.

John was inflamed with the utmost rage when he heard of this attempt of the court of Rome;<sup>19</sup> and he immediately vented his passion on the monks of Christ-church, whom he found inclined to support the election made by their fellows at Rome.

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<sup>18</sup> Rymer, vol. i. p. 139. M. Paris, p. 155]

<sup>19</sup> Rymer, vol. i. p. 143.]

He sent Fulk de Cantelupe, and Henry de Cornhulle, two knights of his retinue, men of violent tempers and rude manners, to expel them the convent, and take possession of their revenues. These knights entered the monastery with drawn swords, commanded the prior and the monks to depart the kingdom, and menaced them, that in case of disobedience they would instantly burn them with the convent.<sup>20</sup> Innocent, prognosticating, from the violence and imprudence of these measures, that John would finally sink in the contest, persevered the more vigorously in his pretensions, and exhorted the king not to oppose God and the church any longer, nor to persecute that cause for which the holy martyr St. Thomas had sacrificed his life, and which had exalted him equal to the highest saints in heaven;<sup>21</sup> a clear hint to John to profit by the example of his father, and to remember the prejudices and established principles of his subjects, who bore a profound veneration to that martyr, and regarded his merits as the subject of their chief glory and exultation.

Innocent, finding that John was not sufficiently tamed to submission, sent three prelates, the bishops of London, Ely, and Worcester, to intimate, that, if he persevered in his disobedience, the sovereign pontiff would be obliged to lay the kingdom under an interdict.<sup>22</sup> All the other prelates threw themselves on their knees before him, and entreated him, with tears in their eyes, to prevent the scandal of this sentence, by making

a speedy submission to his spiritual father, by receiving from his hands the new elected primate, and by restoring the monks of Christ-church to all their rights and possessions. He burst out into the most indecent invectives against the prelates; swore by God's teeth, his usual oath, that, if the pope presumed to lay his kingdom under an interdict, he would send to him all the bishops and clergy of England, and would confiscate all their estates; and threatened that, if thenceforth he caught any Romans in his dominions, he would put out their eyes, and cut off their noses, in order to set a mark upon them, which might distinguish them from all other nations.<sup>23</sup>

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<sup>20</sup> M. Paris, p. 156. Trivet, p. 151. Ann. Waverl. p. 169.]

<sup>21</sup> M. Paris, p. 157.]

<sup>22</sup> M. Paris, p. 157.]

<sup>23</sup> M. Paris, p. 157.]

Amidst all this idle violence, John stood on such bad terms with his nobility, that he never dared to assemble the states of the kingdom, who, in so, just a cause, would probably have adhered to any other monarch, and have defended with vigor the liberties of the nation against these palpable usurpations of the court of Rome. Innocent, therefore, perceiving the king's weakness, fulminated at last the sentence of interdict which he had for some time held suspended over him.<sup>24</sup>

The sentence of interdict was at that time the great instrument of vengeance and policy employed by the court of Rome; was denounced against sovereigns for the lightest offences; and made the guilt of one person involve the ruin of millions, even in their spiritual and eternal welfare. The execution of it was calculated to strike the senses in the highest degree, and to operate with irresistible force on the superstitious minds of the people. The nation was of a sudden deprived of all exterior exercise of its religion: the altars were despoiled of their ornaments: the crosses, the relics, the images, the statues of the saints were laid on the ground; and as if the air itself were profaned, and might pollute them by its contact, the priests carefully covered them up, even from their own

approach and veneration. The use of bells entirely ceased in all the churches: the bells themselves were removed from the steeples, and laid on the ground with the other sacred utensils. Mass was celebrated with shut doors; and none but the priests were admitted to that holy institution. The laity partook of no religious rite, except baptism to new-born infants, and the communion to the dying; the dead were not interred in consecrated ground: they were thrown into ditches, or buried in common fields; and their obsequies were not attended with prayers or any hallowed ceremony Marriage was celebrated in the churchyards;<sup>25</sup> and that every action in life might bear the marks of this dreadful situation, the people were prohibited the use of meat, as in Lent, or times of the highest penance; were debarred from all pleasures and entertainments; and were forbidden even to salute each other, or so much as to shave their beards, and give any decent attention to their person and apparel. Every circumstance carried symptoms of the deepest distress, and of the most immediate apprehension of divine vengeance and indignation.

The king, that he might oppose the temporal to their spiritual terrors, immediately, from his own authority, confiscated the estates of all the clergy who obeyed the interdict;<sup>26</sup> banished the prelates, confined the monks in their convents, and gave them only such a small allowance from their own estates, as would suffice to provide them with food and raiment.

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<sup>24</sup> M. Paris, p. 157. Trivet, p. 152. Ann. Waverl. p. 170. M. West. p. 268.]

<sup>25</sup> Chron. Dunst. vol. i. p. 51.]

<sup>26</sup> Ann. Waverl. p. 170]

He treated with the utmost rigor all Langton's adherents, and every one that showed any disposition to obey the commands of Rome: and in order to distress the clergy in the tenderest point, and at the same time expose them to reproach and ridicule, he threw into prison all their concubines, and required high fines as the price of their liberty.<sup>27</sup>

After the canons which established the celibacy of the clergy were, by the zealous endeavors of Archbishop Anselrn, more rigorously executed in England, the ecclesiastics gave, almost universally and avowedly, into the

use of concubinage and the court of Rome, which had no interest in prohibiting this practice, made very slight opposition to it. The custom was become so prevalent, that, in some cantons of Switzerland, before the reformation, the laws not only permitted, but, to avoid scandal, enjoined the use of concubines to the younger clergy;<sup>28</sup> and it was usual every where for priests to apply to the ordinary, and obtain from him a formal liberty for this indulgence. The bishop commonly took care to prevent the practice from degenerating into licentiousness: he confined the priest to the use of one woman, required him to be constant to her bed, obliged him to provide for her subsistence and that of her children; and, though the offspring was, in the eye of the law, deemed illegitimate, this commerce was really a kind of inferior marriage, such as is still practised in Germany among the nobles; and may be regarded by the candid, as an appeal from the tyranny of civil and ecclesiastical institutions, to the more virtuous and more unerring laws of nature.

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<sup>27</sup> M. Paris, p. 158. Ann. Waverl. p. 170.]

<sup>28</sup> Padre Paolo, Hist. Cone. Prid. lib. i.]

The quarrel between the king and the see of Rome continued for some years; and though many of the clergy, from the fear of punishment, obeyed the orders of John, and celebrated divine service, they complied with the utmost reluctance, and were regarded, both by themselves and the people, as men who betrayed their principles, and sacrificed their conscience to temporal regards and interests. During this violent situation, the king, in order to give a lustre to his government, attempted military expeditions against Scotland, against Ireland, against the Welsh;<sup>29</sup> and he commonly prevailed, more from the weakness of his enemies than from his own vigor or abilities. Meanwhile, the danger to which his government stood continually exposed from the discontents of the ecclesiastics, increased his natural propension to tyranny; and he seems to have even wantonly disgusted all orders of men, especially his nobles, from whom alone he could reasonably expect support and assistance. He dishonored their families by his licentious amours; he published edicts, prohibiting them

from hunting feathered game, and thereby restrained them from their favorite occupation and amusement;<sup>30</sup> he ordered all the hedges and fences near his forests to be levelled, that his deer might have more ready access into the fields for pasture; and he continually loaded the nation with arbitrary impositions.

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<sup>29</sup> W. Heming. p. 556. Ypod. Neust p. 450. Knyghton, p. 2420 M. West p. 268.]

Conscious of the general hatred which he had incurred, he required <sup>1208</sup> his nobility to give him hostages for security of their allegiance; and they were obliged to put in his hands their sons, nephews, or near relations. When his messengers came with like orders to the castle of William de Braouse, a baron of great note, the lady of that nobleman replied, that she would never intrust her son into the hands of one who had murdered his own nephew, while in his custody. Her husband reproved her for the severity of this speech; but, sensible of his danger, he immediately fled with his wife and son into Ireland, where he endeavored to conceal himself. The king discovered the unhappy family in their retreat; seized the wife and son, whom he starved to death in prison; and the baron himself narrowly escaped, by flying into France.

The court of Rome had artfully contrived a gradation of sentences; by <sup>1209</sup> which it kept offenders in awe; still afforded them an opportunity of preventing the next anathema by submission; and, in case of their obstinacy, was able to refresh the horror of the people against them, by new denunciations of the wrath and vengeance of Heaven. As the sentence of interdict had not produced the desired effect on John, and as his people, though extremely discontented had hitherto been restrained from rising in open rebellion against him, he was soon to look for the sentence of excommunication; and he had reason to apprehend, that, notwithstanding all his precautions, the most dangerous consequences might ensue from it. He was witness of the other scenes which at that very time were acting in Europe, and which displayed the unbounded and uncontrolled power of the papacy. Innocent, far from being dismayed at his contests with the king of England, had excommunicated the emperor Otho, John's



nephew;<sup>31</sup> and soon brought that powerful and haughty prince to submit to his authority. He published a crusade against the Albigenses, a species of enthusiasts in the south of France, whom he denominated heretics; because, like other enthusiasts, they neglected the rites of the church, and opposed the power and influence of the clergy: the people from all parts of Europe, moved by their superstition and their passion for wars and adventures, flocked to his standard: Simon de Montfort, the general of the crusade, acquired to himself a sovereignty in these provinces: the count of Toulouse, who protected, or perhaps only tolerated, the Albigenses, was stripped of his dominions: and these sectaries themselves, though the most innocent and inoffensive of mankind, were exterminated with all the circumstances of extreme violence and barbarity. Here were therefore both an army and a general, dangerous from their zeal and valor, who might be directed to act against John; and Innocent, after keeping the thunder long suspended, gave at last authority to the bishops of London, Ely, and Worcester, to fulminate the sentence of excommunication against him.<sup>32</sup> These prelates obeyed; though their brethren were deterred from publishing, as the pope required of them, the sentence in the several churches of their dioceses.

No sooner was the excommunication known, than the effects of it appeared. Geoffrey, archdeacon of Norwich, who was intrusted with a considerable office in the court of exchequer, being informed of it while sitting on the bench observed to his colleagues the danger of serving under an excommunicated king; and he immediately left his chair, and departed the court. John gave orders to seize him, to throw him into prison, to cover his head with a great leaden cope, and by this and other severe usage, he soon put an end to his life:<sup>33</sup> nor was there any thing wanting to Geoffrey, except the dignity and rank of Becket, to exalt him to an equal station in heaven with that great and celebrated martyr.

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<sup>30</sup> M. Paris, p. 160. Trivet, p. 154. M, West. p. 269.]

<sup>31</sup> M. Paris, p. 159. M. West. p. 270.]

<sup>32</sup> M. Paris, p. 159.]

Hugh de Wells, the chancellor, being elected by the king's appointment bishop of Lincoln, upon a vacancy in that see, desired leave to go abroad, in order to receive consecration from the archbishop of Rouen; but he no sooner reached France, than he hastened to Pontigny, where Langton then resided, and paid submissions to him as his primate. The bishops, finding themselves exposed either to the jealousy of the king or hatred of the people, gradually stole out of the kingdom; and at last there remained only three prelates to perform the functions of the episcopal office.<sup>34</sup> Many of the nobility, terrified by John's tyranny, and obnoxious to him on different accounts, imitated the example of the bishops; and most of the others, who remained, were with reason suspected of having secretly entered into a confederacy against him.<sup>35</sup> John was alarmed at his dangerous situation; a situation which prudence, vigor, and popularity might formerly have prevented, but which no virtues or abilities were now sufficient to retrieve. He desired a conference with Langton at Dover; offered to acknowledge him as primate, to submit to the pope, to restore the exiled clergy, even to pay them a limited sum as a compensation for the rents of their confiscated estates. But Langton, perceiving his advantage, was not satisfied with these concessions: he demanded that full restitution and reparation should be made to all the clergy; a condition so exorbitant, that the king, who probably had not the power of fulfilling it, and who foresaw that this estimation of damages might amount to an immense sum, finally broke off the conference.<sup>36</sup>

The next gradation of papal sentences was to absolve John's subjects <sup>1212</sup> from their oaths of fidelity and allegiance, and to declare every one excommunicated who had any commerce with him, in public or in private; at his table, in his council, or even in private conversation:<sup>37</sup> and this sentence was accordingly, with all imaginable solemnity, pronounced against him. But as John still persevered in his contumacy, there remained nothing but the sentence of deposition; which, though intimately connected with the former had been distinguished from it by the artifice of the court of Rome; and Innocent determined to dart this last thunderbolt against the refractory monarch.

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<sup>33</sup> Ann. Waverl. p. 170. Ann. Marg. p. 14.]

<sup>34</sup> M. Paris, p. 162. M. West p. 270, 271.]

<sup>35</sup> Ann. Waverl. p. 171.]

<sup>36</sup> M. Paris, p. 161. M. West. p. 270.]

But as a sentence of this kind required an armed force to execute it, the pontiff, casting his eyes around, fixed at last on Philip, king of France, as the person into whose powerful hand he could most properly intrust that weapon, the ultimate resource of his ghostly authority. And he offered the monarch, besides the remission of all his sins, and endless spiritual benefits, the property and possession of the kingdom of England, as the reward of his labor.<sup>38</sup>

It was the common concern of all princes to oppose these exorbitant <sup>1213</sup> pretensions of the Roman pontiff, by which they themselves were rendered vassals, and vassals totally dependent, of the papal crown: yet even Philip, the most able monarch of the age, was seduced by present interest, and by the prospect of so tempting a prize, to accept this liberal offer of the pontiff, and thereby to ratify that authority which, if he ever opposed its boundless usurpations, might next day tumble him from the throne. He levied a great army; summoned all the vassals of the crown to attend him at Rouen; collected a fleet of one thousand seven hundred vessels, great and small, in the seaports of Normandy and Picardy; and partly from the zealous spirit of the age, partly from the personal regard universally paid him, prepared a force which seemed equal to the greatness of his enterprise. The king, on the other hand, issued out writs, requiring the attendance of all his military tenants at Dover, and even of all able-bodied men, to defend the kingdom in this dangerous extremity. A great number appeared; and he selected an army of sixty thousand men; a power invincible, had they been united in affection to their prince, and animated with a becoming zeal for the defence of their native country.<sup>39</sup>

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<sup>37</sup> M. Paris, p. 162. M. West, p. 271.]

<sup>38</sup> M. Paris, p. 162. M. West, p. 271.]

But the people were swayed by superstition, and regarded their king with horror, as anathematized by papal censures: the barons, besides lying under the same prejudices, were all disgusted by his tyranny, and were, many of them, suspected of holding a secret correspondence with the enemy: and the incapacity and cowardice of the king himself, ill fitted to contend with those mighty difficulties, made men prognosticate the most fatal effects from the French invasion.

Pandolf, whom the pope had chosen for his legate, and appointed to head this important expedition, had, before he left Rome, applied for a secret conference with his master, and had asked him, whether, if the king of England, in this desperate situation, were willing to submit to the apostolic see, the church should, without the consent of Philip, grant him any terms of accommodation.<sup>40</sup> Innocent, expecting from his agreement with a prince so abject both in character and fortune, more advantages than from his alliance with a great and victorious monarch, who, after such mighty acquisitions, might become too haughty to be bound by spiritual chains, explained to Pandolf the conditions on which he was willing to be reconciled to the king of England. The legate, therefore, as soon as he arrived in the north of France, sent over two knights templars to desire an interview with John at Dover, which was readily granted: he there represented to him in such strong, and probably in such true colors, his lost condition, the disaffection of his subjects, the secret combination of his vassals against him, the mighty armament of France, that John yielded at discretion,<sup>41</sup> and subscribed to all the conditions which Pandolf was pleased to impose upon him. He promised, among other articles, that he would submit himself entirely to the judgment of the pope; that he would acknowledge Langton for primate; that he would restore all the exiled clergy and laity who had been banished on account of the contest; that he would make them full restitution of their goods, and compensation for all damages, and instantly consign eight thousand pounds, in part of payment; and that every one outlawed or imprisoned for his adherence to the pope, should immediately be received into grace and favor.<sup>42</sup> Four barons swore, along with the king, to the observance of this ignominious treaty.<sup>43</sup>

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<sup>39</sup>..... M. Paris, p. 162.]

<sup>40</sup>..... M. West. p. 271.]

<sup>41</sup>..... Rymer, vol. i. p. 166. M. Paris, p. 163. Annal Burt. p. 288.]

<sup>42</sup>..... Rymer, vol. i p. 170. M. Paris, p. 163.]

But the ignominy of the king was not yet carried to its full height. Pandolf required him, as the first trial of obedience, to resign his kingdom to the church; and he persuaded him, that he could nowise so effectually disappoint the French invasion, as by thus putting himself under the immediate protection of the apostolic see. John, lying under the agonies of present terror, made no scruple of submitting to this condition. He passed a charter, in which he said, that, not constrained by fear, but of his own free will, and by the common advice and consent of his barons, he had, for remission of his own sins and those of his family, resigned England and Ireland to God, to St. Peter and St. Paul, and to Pope Innocent and his successors in the apostolic chair: he agreed to hold these dominions as feudatory of the church of Rome, by the annual payment of a thousand marks; seven hundred for England, three hundred for Ireland: and he stipulated, that, if he or his successors should ever presume to revoke or infringe this charter, they should instantly, except upon admonition they repented of their offence, forfeit all right to their dominions.<sup>44</sup>

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<sup>43</sup>..... Rymer, vol. i. p. 176. M. Paris, p. 165.]

In consequence of this agreement, John did homage to Pandolf as the pope's legate, with all the submissive rites which the feudal law required of vassals before their liege lord and superior. He came disarmed into the legate's presence, who was seated on a throne; he flung himself on his knees before him; he lifted up his joined hands, and put them within those of Pandolf; he swore fealty to the pope; and he paid part of the tribute which he owed for his kingdom as the patrimony of St. Peter. The legate, elated by this supreme triumph of sacerdotal power, could not forbear

discovering extravagant symptoms of joy and exultation: he trampled on the money, which was laid at his feet as an earnest of the subjection of the kingdom; an insolence of which, however offensive to all the English, no one present, except the archbishop of Dublin, dared to take any notice. But though Pandolf had brought the king to submit to these base conditions, he still refused to free him from the excommunication and interdict, till an estimation should be taken of the losses of the ecclesiastics, and full compensation and restitution should be made them.

John, reduced to this abject situation under a foreign power, still showed the same disposition to tyrannize over his subjects, which had been the chief cause of all his misfortunes. One Peter of Pomfret, a hermit, had foretold that the king, this very year, should lose his crown; and for that rash prophecy, he had been thrown into prison in Corfe castle. Johfi now determined to bring him to punishment as an impostor; and though the man pleaded that his prophecy was fulfilled, and that the king had lost the royal and independent crown which he formerly wore, the defence was supposed to aggravate his guilt: he was dragged at horses' tails to the town of Warham, and there hanged on a gibbet with his son.<sup>45</sup>

When Pandolf, after receiving the homage of John, returned to France, he congratulated Philip on the success of his pious enterprise; and informed him that John, moved by the terror of the French arms, had now come to a just sense of his guilt; had returned to obedience under the apostolic see; had even consented to do homage to the pope for his dominions; and having thus made his kingdom a part of St. Peter's patrimony, had rendered it impossible for any Christian prince, without the most manifest and most flagrant impiety, to attack him.<sup>46</sup> Philip was enraged on receiving this intelligence: he exclaimed, that having, at the pope's instigation, undertaken an expedition which had cost him above sixty thousand pounds sterling, he was frustrated of his purpose, at the time when its success was become infallible: he complained that all the expense had fallen upon him; all the advantages had accrued to Innocent: he threatened to be no longer the dupe of these hypocritical pretences: and assembling his vassals, he laid before them the ill treatment which he had received, exposed the interested and fraudulent conduct of the pope, and required their assistance to execute his enterprise against England, in

which he told them, that notwithstanding the inhibitions and menaces of the legate, he was determined to persevere. The French barons were in that age little less ignorant and superstitious than the English: yet, so much does the influence of those religious principles depend on the present dispositions of men! they all vowed to follow their prince on his intended expedition, and were resolute not to be disappointed of that glory and those riches which they had long expected from this enterprise. The earl of Flanders alone, who had previously formed a secret treaty with John, declaring against the injustice and impiety of the undertaking, retired with his forces;<sup>47</sup> and Philip, that he might not leave so dangerous an enemy behind him, first turned his arms against the dominions of that prince.

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<sup>44</sup> M. Paris, p. 165. Chron. Dunst. vol. i. p. 56.]

<sup>45</sup> Trivet, p. 160.]

<sup>46</sup> M. Paris, p. 166.]

Meanwhile the English fleet was assembled under the earl of Saltsbury, the king's natural brother; and, though inferior in number, received orders to attack the French in their harbors. Salisbry performed this service with so much success that he took three hundred ships; destroyed a hundred more;<sup>48</sup> and Philip, finding it impossible to prevent the rest from falling into the hands of the enemy, set fire to them himself, and thereby rendered it impossible for him to proceed any farther in his enterprise.

John, exulting in his present security, insensible to his past disgrace, was so elated with this success, that he thought of no less than invading France in his turn, and recovering all those provinces which the prosperous arms of Philip had formerly ravished from him. He proposed this expedition to the barons, who were already assembled for the defence of the kingdom. But the English nobles both hated and despised their prince: they prognosticated no success to any enterprise conducted by a such a leader: and, pretending that their time of service was elapsed, and all their previsions exhausted, they refused to second his undertaking.<sup>49</sup> The king, however, resolute in his purpose, embarked with a few followers,

and sailed to Jersey, in the foolish expectation that the barons would at last be ashamed to stay behind.<sup>50</sup> But finding himself disappointed, he returned to England; and raising some troops, threatened to take vengeance on all his nobles for their desertion and disobedience. The archbishop of Canterbury, who was in a confederacy with the barons here interposed; strictly inhibited the king from thinking of such an attempt; and threatened him with a renewal of the sentence of excommunication if he pretended to levy war upon any of his subjects before the kingdom were freed from the sentence of interdict.<sup>51</sup>

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<sup>47</sup> M. Paris, p. 166. Chron. Dunst. vci i. p. 59. Trivet, p. 157]

<sup>48</sup> M. Paris, p. 166.]

<sup>49</sup> M. Paris, p. 166.]

<sup>50</sup> M. Paris, p. 167.]

The church had recalled the several anathemas pronounced against John, by the same gradual progress with which she had at first issued them. By receiving his homage, and admitting him to the rank of a vassal, his deposition had been virtually annulled, and his subjects were again bound by their oaths of allegiance. The exiled prelates had then returned in great triumph, with Langton at their head; and the king, hearing of their approach, went forth to meet them, and throwing himself on the ground before them, he entreated them with tears to have compassion on him and the kingdom of England.<sup>52</sup> The primate, seeing these marks of sincere penitence, led him to the chapter-house of Winchester, and there administered an oath to him, by which he again swore fealty and obedience to Pope Innocent and his successors; promised to love, maintain, and defend holy church and the clergy; engaged that he would reestablish the good laws of his predecessors, particularly those of St. Edward, and would abolish the wicked ones; and expressed his resolution of maintaining justice and right in all his dominions.<sup>53</sup> The primate next gave him absolution in the requisite forms, and admitted him to dine with him, to the great joy of all the people. The sentence of interdict, however, was still upheld against the kingdom. A new legate, Nicholas, bishop of



Frescati, came into England in the room of Pandolf; and he declared it to be the pope's intentions never to loosen that sentence till full restitution were made to the clergy of every thing taken from them, and ample reparation for all damages which they had Sustained. He only permitted mass to be said with a low voice in the churches, till those losses and damages could be estimated to the satisfaction of the parties. Certain barons were appointed to take an account of the claims; and John was astonished at the greatness of the sums to which the clergy made their losses to amount. No less than twenty thousand marks were demanded by the monks of Canterbury alone; twenty-three thousand for the see of Lincoln; and the king, finding these pretensions to be exorbitant and endless, offered the clergy the sum of a hundred thousand marks for a final acquittal, The clergy rejected the offer with disdain; but the pope, willing to favor his new vassal, whom he found zealous in his declarations of fealty, and regular in paying the stipulated tribute to Rome, directed his legate to accept of forty thousand. The issue of the whole was, that the bishops and considerable abbots got reparation beyond what they had any title to demand; the inferior clergy were obliged to sit down contented with their losses: and the king, after the interdict was taken off, renewed, in the most solemn manner, and by a new charter sealed with gold, his professions of homage and obedience to the see of Rome.

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<sup>51</sup> M. Paris, p. 166. Ann. Waverl. p. 178.]

<sup>52</sup> M. Paris, p. 166.]

When this vexatious affair was at last brought to a conclusion, the <sup>1214.</sup> king, as if he had nothing further to attend but triumphs and victories, went over to Poictou, which still acknowledged his authority;<sup>54</sup> and he carried war into Philip's dominions.

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<sup>53</sup> Queen Eleanor died in 1203 or 1204.]

He besieged a castle near Angiers; but the approach of Prince Lewis, Philip's son, obliged him to raise the siege with such precipitation, that he left his tents, machines, and baggage behind him; and he returned to England with disgrace. About the same time, he heard of the great and decisive victory gained by the king of France at Bovines over the emperor Otho, who had entered France at the head of one hundred and fifty thousand Germans; a victory which established forever the glory of Philip, and gave full security to all his dominions. John could, therefore, think henceforth of nothing further than of ruling peaceably his own kingdom; and his close connections with the pope, which he was determined at any price to maintain, insured him, as he imagined the certain attainment of that object. But the last and most grievous scene of this prince's misfortunes still awaited him; and he was destined to pass through a series of more humiliating circumstances than had ever yet fallen to the lot of any other monarch.

The introduction of the feudal law into England by William the Conqueror had much infringed the liberties, however imperfect, enjoyed by the Anglo-Saxons in their ancient government, and had reduced the whole people to a state of vassalage under the king or barons, and even the greater part of them to a state of real slavery, the necessity, also, of intrusting great power in the hands of a prince, who was to maintain military dominion over a vanquished nation, had engaged the Norman barons to submit to a more severe and absolute prerogative than that to which men of their rank, in other feudal governments, were commonly subjected. The power of the crown, once raised to a high pitch, was not easily reduced; and the nation, during the course of a hundred and fifty years, was governed by an authority unknown, in the same degree, to all the kingdoms founded by the northern conquerors. Henry I., that he might allure the people to give an exclusion to his elder brother Robert, had granted them a charter, favorable in many particulars to their liberties; Stephen had renewed the grant; Henry II. had confirmed it: but the concessions of all these princes had still remained without effect; and the same unlimited, at least in regular authority, continued to be exercised both by them and their successors. The only happiness was, that arms were never yet ravished from the hands of the barons and people: the nation, by a great confederacy, might still vindicate its liberties: and

nothing was more likely than the character, conduct, and fortunes of the reigning prince, to produce such a general combination against him. Equally odious and contemptible, both in public and private life, he affronted the barons by his insolence, dishonored their families by his gallantries, enraged them by his tyranny, and gave discontent to all ranks of men by his endless exactions and impositions.<sup>55</sup> The effect of these lawless practices had already appeared in the general demand made by the barons of a restoration of their privileges; and after he had reconciled himself to the pope, by abandoning the independence of the kingdom, he appeared to all his subjects in so mean a light, that they universally thought they might with safety and honor insist upon their pretensions.

But nothing forwarded this confederacy so much as the concurrence of Langton, archbishop of Canterbury; a man whose memory, though he was obtruded on the nation by a palpable encroachment of the see of Rome, ought always to be respected by the English. This prelate, whether he was moved by the generosity of his nature and his affection to public good; or had entertained an animosity against John, on account of the long opposition made by that prince to his election; or thought that an acquisition of liberty to the people would serve to increase and secure the privileges of the church; had formed the plan of reforming the government, and had prepared the way for that great innovation, by inserting those singular clauses above mentioned, in the oath which he administered to the king, before he would absolve him from the sentence of excommunication. Soon after, in a private meeting of some principal barons at London, he showed them a copy of Henry I.'s charter, which, he said, he had happily found in a monastery; and he exhorted them to insist on the renewal and observance of it: the barons swore that they would sooner lose their lives than depart from so reasonable a demand.<sup>56</sup>

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<sup>54</sup> Chron. Mailr. p. 188. T. Wykes, p. 36. Ann. Waverl. p. 181 W. Heming. p. 657.]

<sup>55</sup> M. Paris, p. 167.]

The confederacy began now to spread wider, and to comprehend almost all the barons in England; and a new and more numerous meeting was summoned by Langton at St. Edmondsbury, under color of devotion. He again produced to the assembly the old charter of Henry; renewed his exhortations of unanimity and vigor in the prosecution of their purpose; and represented in the strongest colors the tyranny to which they had so long been subjected, and from which it now behoved them to free themselves and their posterity.<sup>57</sup> The barons, inflamed by his eloquence, incited by the sense of their own wrongs, and encouraged by the appearance of their power and numbers, solemnly took an oath, before the high altar, to adhere to each other, to insist on their demands, and to make endless war on the king till he should submit to grant them.<sup>58</sup> They agreed that, after the festival of Christmas, they would prefer in a body their common petition; and in the mean time they separated, after mutually engaging that they would put themselves in a posture of defence, would enlist men and purchase arms, and would supply their castles with the necessary provisions.

The barons appeared in London on the day appointed, and demanded <sup>1215</sup> of the king, that, in consequence of his own oath before the primate, as well as in deference to their just rights, he should grant them a renewal of Henry's charter, and a confirmation of the laws of St. Edward. The king, alarmed with their zeal and unanimity, as well as with their power, required a delay; promised that, at the festival of Easter, he would give them a positive answer to their petition; and offered them the archbishop of Canterbury, the bishop of Ely, and the earl of Pembroke, the mareschal, as sureties for his fulfilling this engagement.<sup>59</sup> The barons accepted of the terms, and peaceably returned to their castles.

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<sup>56</sup> M. Paris, p. 175.]

<sup>57</sup> M. Paris, p. 176,]

<sup>58</sup> M Paris, p 176. M. West. p. 273]

During this interval, John, in order to break or subdue the league of his barons, endeavored to avail himself of the ecclesiastical power, of whose

influence he had, from his own recent misfortunes, had such fatal experience. He granted to the clergy a charter, relinquishing forever that important prerogative for which his father and all his ancestors had zealously contended; yielding to them the free election on all vacancies; reserving only the power to issue a *conge d'élire* and to subjoin a confirmation of the election; and declaring that, if either of these were withheld, the choice should nevertheless be deemed just and valid.<sup>60</sup> He made a vow to lead an army into Palestine against the infidels, and he took on him the cross, in hopes that he should receive from the church that protection which she tendered to every one that had entered into this sacred and meritorious engagement.<sup>61</sup> And he sent to Rome his agent, William de Mauclere, in order to appeal to the pope against the violence of his barons, and procure him a favorable sentence from that powerful tribunal.<sup>62</sup> The barons, also, were not negligent on their part in endeavoring to engage the pope in their interests: they despatched Eustace de Vescie to Rome; laid their case before Innocent as their feudal lord; and petitioned him to interpose his authority with the king, and oblige him to restore and confirm all their just and undoubted privileges.<sup>63</sup>

Innocent beheld with regret the disturbances which had arisen in England, and was much inclined to favor John in his pretensions. He had no hopes of retaining and extending his newly-acquired superiority over that kingdom, but by supporting so base and degenerate a prince, who was willing to sacrifice every consideration to his present safety: and he foresaw, that if the administration should fall into the hands of those gallant and high-spirited barons, they would vindicate the honor, liberty, and independence of the nation, with the same ardor which they now exerted in defence of their own. He wrote letters, therefore, to the prelates, to the nobility, and to the king himself. He exhorted the first to employ their good offices in conciliating peace between the contending parties, and putting an end to civil discord: to the second he expressed his disapprobation of their conduct in employing force to extort concessions from their reluctant sovereign: the last he advised to treat his nobles with grace and indulgence, and to grant them such of their demands as should appear just and reasonable.

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<sup>59</sup> Rymer, vol. i. p. 197.]

<sup>60</sup> Rymer, vol. i. p. 200. Trivet, p. 162. T. Wykes, p. 37. M West. p. 273.]

<sup>61</sup> Rymer, vol i. p. 184]

<sup>62</sup> Rymer, vol i. p. 184]

The barons easily saw, from the tenor of these letters, that they must reckon on having the pope, as well as the king, for their adversary; but they had already advanced too far to recede from their pretensions, and their passions were so deeply engaged, that it exceeded even the power of superstition itself any longer to control them. They also foresaw, that the thunders of Rome, when not seconded by the efforts of the English ecclesiastics, would be of small avail against them and they perceived that the most considerable of the prelates, as well as all the inferior clergy, professed the highest approbation of their cause. Besides that these men were seized with the national passion for laws and liberty, blessings of which they themselves expected to partake, there concurred very powerful causes to loosen their devoted attachment to the apostolic see. It appeared, from the late usurpations of the Roman pontiff, that he pretended to reap alone all the advantages accruing from that victory, which under his banners, though at their own peril, they had every where obtained over the civil magistrate. The pope assumed a despotic power over all the churches; their particular customs, privileges, and immunities were treated with disdain; even the canons of general councils were set aside by his dispensing power; the whole administration of the church was centred in the court of Rome; all preferments ran, of course, in the same channel; and the provincial clergy saw, at least felt, that there was a necessity for limiting these pretensions. The legate, Nicholas, in filling those numerous vacancies which had fallen in England during an interdict of six years, had proceeded in the most arbitrary manner; and had paid no regard, in conferring dignities, to personal merit, to rank, to the inclination of the electors, or to the customs of the country. The English church was universally disgusted; and Langton himself, though he owed his elevation to an encroachment of the Romish see, was no sooner established in his

high office, than he became jealous of the privileges annexed to it, and formed attachments with the country subjected to his jurisdiction. These causes, though they opened slowly the eyes of men, failed not to produce their effect: they set bounds to the usurpations of the papacy; the tide first stopped, and then turned against the sovereign pontiff; and it is otherwise inconceivable, how that age, so prone to superstition, and so sunk in ignorance, or rather so devoted to a spurious erudition, could have escaped falling into an absolute and total slavery under the court of Rome.

About the time that the pope's letters arrived in England, The malevolent barons, on the approach of the festival of Easter, when they were to expect the king's answer to their petition, met by agreement at Stamford; and they assembled a force, consisting of above two thousand knights, besides their retainers and inferior persons without number. Elated with their power, they advanced in a body to Brackley, within fifteen miles of Oxford, the place where the court then resided; and they there received a message from the king, by the archbishop of Canterbury and the earl of Pembroke, desiring to know what those liberties were which they so zealously challenged from their sovereign. They delivered to these messengers a schedule, containing the chief articles of their demands; which was no sooner shown to the king, than he burst into a furious passion, and asked why the barons did not also demand of him his kingdom; swearing that he would never grant them such liberties as must reduce himself to slavery.<sup>64</sup>

No sooner were the confederated nobles informed of John's reply, than they chose Robert Fitz-Walter their general, whom they called "the mareschal of the army of God and of holy church;" and they proceeded without further ceremony to levy war upon the king. They besieged the castle of Northampton during fifteen days, though without success:<sup>65</sup> the gates of Bedford castle were willingly opened to them by William Beauchamp, its owner: they advanced to Ware in their way to London, where they held a correspondence with the principal citizens: they were received without opposition into that capital: and finding now the great superiority of their force, they issued proclamations, requiring the other barons to join them, and menacing them, in case of refusal or delay, with committing devastation on their houses and estates.<sup>66</sup> In order to show

what might be expected from their prosperous arms, they made incursions from London, and laid waste the king's parks and palaces; and all the barons, who had hitherto carried the semblance of supporting the royal party, were glad of this pretence for openly joining a cause which they always had secretly favored. The king was left at Odiham, in Hampshire, with a poor retinue of only seven knights; and after trying several expedients to elude the blow, after offering to refer all differences to the pope alone, or to eight barons, four to be chosen by himself, and four by the confederates,<sup>67</sup> he found himself at last obliged to submit at discretion.

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<sup>63</sup> M. Paris, p. 176.]

<sup>64</sup> M. Paris, p. 177.]

<sup>65</sup> M. Paris, p. 177. ]

<sup>66</sup> Rymer, vol. i. p. 200.]

A conference between the king and the barons was appointed at Runnemede, between Windsor and Staines; a place which has ever since been extremely celebrated on account of this great event. The two parties encamped apart, like open enemies; and after a debate of a few days, the king, with a facility somewhat suspicious, signed and sealed the charter which was required of him. This famous deed, commonly called the *Great Charter*, either granted or secured very important liberties and privileges to every order of men in the kingdom; to the clergy, to the barons, and to the people.

The freedom of elections was secured to the clergy: the former charter of the king was confirmed, by which the necessity of a royal conge d'élire and confirmation was superseded: all check upon appeals to Rome was removed, by the allowance granted every man to depart the kingdom at pleasure: and the fines to be imposed on the clergy, for any offence, were ordained to be proportional to their lay estates, not to their ecclesiastical benefices.

The privileges granted to the barons were either abatements in the rigor of the feudal law, or determinations in points which had been left by



that law, or had become, by practice, arbitrary and ambiguous. The reliefs of heirs succeeding to a military fee were ascertained; an earl's and baron's at a hundred marks, a knight's at a hundred shillings. It was ordained by the charter that, if the heir be a minor, he shall, immediately upon his majority, enter upon his estate, without paying any relief: the king shall not sell his wardship; he shall levy only reasonable profits upon the estate, without committing waste, or hurting the property: he shall uphold the castles, houses, mills, parks, and ponds, and if he commit the guardianship of the estate to the sheriff or any other, he shall previously oblige them to find surety to the same purpose. During the minority of a baron, while his lands are in wardship, and are not in his own possession, no debt which he owes to the Jews shall bear any interest. Heirs shall be married without disparagement; and before the marriage be contracted, the nearest relations of the person shall be informed of it. A widow, without paying any relief, shall enter upon her dower, the third part of her husband's rents: she shall not be compelled to marry, so long as she chooses to continue single; she shall only give security never to marry without her lord's consent. The king shall not claim the wardship of any minor who holds lands by military tenure, of a baron, on pretence that he also holds lands of the crown, by soccage or any other tenure. Scutages shall be estimated at the same rate as in the time of Henry I.; and no scutage or aid, except in the three general feudal cases, the king's captivity, the knighting of his eldest son, and the marrying of his eldest daughter, shall be imposed but by the great council of the kingdom; the prelates, earls, and great barons, shall be called to this great council, each by a particular writ; the lesser barons by a general summons of the sheriff. The king shall not seize any baron's land for a debt to the crown if the baron possesses as many goods and chattels as are sufficient to discharge the debt. No man shall be obliged to perform more service for his fee than he is bound to by his tenure. No governor or constable of a castle shall oblige any knight to give money for castle guard, if the knight be willing to perform the service in person, or by another able-bodied man; and if the knight be in the field himself, by the king's command, he shall be exempted from all other service of this nature. No vassal shall be allowed to sell so much of his land as to incapacitate himself from performing his service to his lord.

These were the principal articles, calculated for the interest of the barons; and had the charter contained nothing further, national happiness and liberty had been very little promoted by it, as it would only have tended to increase the power and independence of an order of men who were already too powerful, and whose yoke might have become more heavy on the people than even that of an absolute monarch. But the barons, who alone drew and imposed on the prince this memorable charter, were necessitated to insert in it other clauses of a more extensive and more beneficent nature: they could not expect the concurrence of the people without comprehending, together with their own, the interest of inferior ranks of men; and all provisions, which the barons, for their own sake, were obliged to make, in order to insure the free and equitable administration of justice, tended directly to the benefit of the whole community. The following were the principal clauses of this nature.

It was ordained that all the privileges and immunities above mentioned, granted to the barons against the king, should be extended by the barons to their inferior vassals. The king bound himself not to grant any writ, empowering a baron to levy aids from his vassals, except in the three feudal cases. One weight and one measure shall be established throughout the kingdom. Merchants shall be allowed to transact all business without being exposed to any arbitrary tolls and impositions; they and all free men shall be allowed to go out of the kingdom and return to it at pleasure: London, and all cities and burghs, shall preserve their ancient liberties, immunities, and free customs: aids shall not be required of them but by the consent of the great council: no towns or individuals shall be obliged to make or support bridges but by ancient custom: the goods of every freeman shall be disposed of according to his will: if he die intestate, his heirs shall succeed to them. No officer of the crown shall take any horses, carts, or wood, without the consent of the owner. The king's courts of justice shall be stationary, and shall no longer follow his person: they shall be open to every one; and justice shall no longer be sold, refused, or delayed by them. Circuits shall be regularly held every year: the inferior tribunals of justice, the county court, sheriff's turn, and court-leet shall meet at their appointed time and place: the sheriffs shall be incapacitated to hold pleas of the crown; and shall not put any person upon his trial, from rumor or suspicion alone, but upon the evidence of

lawful witnesses. No freeman shall be taken or imprisoned, or dispossessed of his free tenement and liberties, or outlawed, or banished, or anywise hurt or injured, unless by the legal judgment of his peers, or by the law of the land; and all who suffered otherwise in this or the two former reigns, shall be restored to their rights and possessions. Every freeman shall be fined in proportion to his fault; and no fine shall be levied on him to his utter ruin; even a villain or rustic shall not by any fine be bereaved of his carts, ploughs, and implements of husbandry. This was the only article calculated for the interests of this body of men, probably at that time the most numerous in the kingdom.

It must be confessed that the former articles of the Great Charter contain such mitigations and explanations of the feudal law as are reasonable and equitable; and that the latter involve all the chief outlines of a legal government, and provide for the equal distribution of justice, and free enjoyment of property; the great objects for which political society was at first founded by men, which the people have a perpetual and unalienable right to recall, and which no time, nor precedent, nor statute, nor positive institution, ought to deter them from keeping ever uppermost in their thoughts and attention. Though the provisions made by this charter might, conformably to the genius of the age, be esteemed too concise, and too bare of circumstances to maintain the execution of its articles, in opposition to the chicanery of lawyers, supported by the violence of power, time gradually ascertained the sense of all the ambiguous expressions; and those generous barons, who first extorted this concession, still held their swords in their hands, and could turn them against those who dared, on any pretence, to depart from the original spirit and meaning of the grant. We may now, from the tenor of this charter, conjecture what those laws were of King Edward which the English nation, during so many generations, still desired, with such an obstinate perseverance, to have recalled and established. They were chiefly these latter articles of Magna Charta; and the barons who, at the beginning of these commotions, demanded the revival of the Saxon laws, undoubtedly thought that they had sufficiently satisfied the people by procuring them this concession, which comprehended the principal objects to which they had so long aspired. But what we are most to admire is, the prudence and moderation of those haughty nobles themselves, who

were enraged by injuries, inflamed by opposition, and elated by a total victory over their sovereign. They were content, even in this plenitude of power, to depart from some articles of Henry I.'s charter, which they made the foundation of their demands, particularly from the abolition of wardships, a matter of the greatest importance; and they seem to have been sufficiently careful not to diminish too far the power and revenue of the crown. If they appear, therefore, to have carried other demands to too great a height, it can be ascribed only to the faithless and tyrannical character of the king himself, of which they had long had experience, and which they foresaw would, if they provided no further security, lead him soon to infringe their new liberties, and revoke his own concessions. This alone gave birth to those other articles, seemingly exorbitant, which were added as a rampart for the safeguard of the Great Charter.

The barons obliged the king to agree that London should remain in their hands, and the Tower be consigned to the custody of the primate, till the 15th of August ensuing, or till the execution of the several articles of the Great Charter. The better to insure the same end, he allowed them to choose five-and-twenty members from their own body, as conservators of the public liberties; and no bounds were set to the authority of these men either in extent or duration. If any complaint were made of a violation of the charter, whether attempted by the king, justiciaries, sheriffs, or foresters, any four of these barons might admonish the king to redress the grievance: if satisfaction were not obtained, they could assemble the whole council of twenty-five; who, in conjunction with the great council, were empowered to compel him to observe the charter, and, in case of resistance, might levy war against him, attack his castles, and employ every kind of violence, except against his royal person, and that of his queen and children. All men throughout the kingdom were bound, under the penalty of confiscation, to swear obedience to the twenty-five barons; and the freeholders of each county were to choose twelve knights, who were to make report of such evil customs as required redress, conformably to the tenor of the Great Charter.<sup>68</sup> The names of those conservators were, the earls of Clare, Albemarle, Glocester, Winchester, Hereford, Roger Bigod, earl of Norfolk, Robert de Vere, earl of Oxford, William Mareschal the younger, Robert Fitz-Walter, Gilbert de Clare, Eustace de Vescey, Gilbert Delaval, William de Moubray, Geoffrey de Say, Roger de

Mombezon, William de Huntingfield, Robert de Ros, the constable of Chester, William de Aubenie, Richard de Perci, William Malet, John Fitz-Robert, William de Lanvalay, Hugh de Bigod, and Roger de Montfichet. These men were, by this convention, really invested with the sovereignty of the kingdom: they were rendered coordinate with the king, or rather superior to him, in the exercise of the executive power; and as there was no circumstance of government which, either directly or indirectly, might not bear a relation to the security or observance of the Great Charter, there could scarcely occur any incident in which they might not lawfully interpose their authority.

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<sup>67</sup>..... This seems a very strong proof that the house of commons was not then in being; otherwise the knights and burgesses from the several counties could have given in to the lords a list of grievances, without so unusual an election.]

John seemed to submit passively to all these regulations, however injurious to majesty: he sent writs to all the sheriffs, ordering them to constrain every one to swear obedience to the twenty-five barons: he dismissed all his foreign force; he pretended, that his government was thenceforth to run in a new tenor, and be more indulgent to the liberty and independence of his people. But he only dissembled till he should find a favorable opportunity for annulling all his concessions. The injuries and indignities which he had formerly suffered from the pope and the king of France, as they came from equals or superiors, seemed to make but small impression on him; but the sense of this perpetual and total subjection under his own rebellious vassals, sunk deep in his mind; and he was determined, at all hazards, to throw off so ignominious a slavery. He grew sullen, silent, and reserved: he shunned the society of his courtiers and nobles: he retired into the Isle of Wight, as if desirous of hiding his shame and confusion; but in this retreat he meditated the most fatal vengeance against all his enemies. He secretly sent abroad his emissaries to enlist foreign soldiers, and to invite the rapacious Brabançons into his service, by the prospect of sharing the spoils of England, and reaping the forfeitures of so many opulent barons, who had incurred the guilt of rebellion, by

rising in arms against him. And he despatched a messenger to Rome, in order to lay before the pope the Great Charter, which he had been compelled to sign, and to complain, before that tribunal, of the violence which had been imposed upon him.

Innocent, considering himself as feudal lord of the kingdom, was incensed at the temerity of the barons, who, though they pretended to appeal to his authority, had dared, without waiting for his consent, to impose such terms on a prince, who, by resigning to the Roman pontiff his crown and independence, had placed himself immediately under the papal protection. He issued, therefore, a bull, in which, from the plenitude of his apostolic power, and from the authority which God had committed to him, to build and destroy kingdoms, to plant and overthrow, he annulled and abrogated the whole charter, as unjust in itself, as obtained by compulsion, and as derogatory to the dignity of the apostolic see. He prohibited the barons from exacting the observance of it: he even prohibited the king himself from paying any regard to it: he absolved him and his subjects from all oaths which they had been constrained to take to that purpose; and he pronounced a general sentence of excommunication against every one who should persevere in maintaining such treasonable and iniquitous pretensions.

The king, as his foreign forces arrived along with this bull now ventured to take off the mask; and, under sanction of the pope's decree, recalled all the liberties which he had granted to his subjects, and which he had solemnly sworn to observe. But the spiritual weapon was found upon trial to carry less force with it than he had reason from his own experience to apprehend. The primate refused to obey the pope in publishing the sentence of excommunication against the barons; and though he was cited to Rome, that he might attend a general council there assembled, and was suspended, on account of his disobedience to the pope, and his secret correspondence with the king's enemies; though a new and particular sentence of excommunication was pronounced by name against the principal barons; John still found that his nobility and people, and even his clergy, adhered to the defence of their liberties, and to their combination against him: the sword of his foreign mercenaries was all he had to trust to for restoring his authority.

The barons, after obtaining the Great Charter, seem to have been lulled into a fatal security, and to have taken no rational measures, in case of the introduction of a foreign force, for reassembling their armies. The king was, from the first, master of the field; and immediately laid siege to the castle of Rochester, which was obstinately defended by William de Albiney, at the head of a hundred and forty knights with their retainers, but was at last, reduced by famine. John, irritated with the resistance, intended to have hanged the governor and all the garrison; but on the representation of William de Mauleon, who suggested to him the danger of reprisals, he was content to sacrifice, in this barbarous manner, the inferior prisoners only. The captivity of William de Albiney, the best officer among the confederated barons, was an irreparable loss to their cause; and no regular opposition was thenceforth made to the progress of the royal arms. The ravenous and barbarous mercenaries, incited by a cruel and enraged prince were let loose against the estates, tenants, manors, houses, parks of the barons, and spread devastation over the face of the kingdom. Nothing was to be seen but the flames of villages, and castles reduced to ashes, the consternation and misery of the inhabitants, tortures exercised by the soldiery to make them reveal their concealed treasures, and reprisals no less barbarous, committed by the barons and their partisans on the royal demesnes, and on the estates of such as still adhered to the crown. The king, marching through the whole extent of England, from Dover to Berwick, laid the provinces waste on each side of him; and considered every estate, which was not his immediate property, as entirely hostile, and the object of military execution. The nobility of the north in particular, who had shown greatest violence in the recovery of their liberties, and who, acting in a separate body, had expressed their discontent even at the concessions made by the Great Charter, as they could expect no mercy, fled before him with their wives and families, and purchased the friendship of Alexander, the young king of Scots, by doing homage to him.

The barons, reduced to this desperate extremity, and menaced with the total loss of their liberties, their properties, and their lives, employed a remedy no less desperate; and making applications to the court of France, they offered to acknowledge Lewis, the eldest son of Philip, for their sovereign, on condition that he would afford them protection from the

violence of their enraged prince. Though the sense of the common rights of mankind, the only rights that are entirely indefeasible, might have justified them in the deposition of their king, they declined insisting before Philip on a pretension which is commonly so disagreeable to sovereigns, and which sounds harshly in their royal ears. They affirmed that John was incapable of succeeding to the crown, by reason of the attainder passed upon him during his brother's reign; though that attainder had been reversed, and Richard had even, by his last will, declared him his successor. They pretended, that he was already legally deposed by sentence of the peers of France, on account of the murder of his nephew; though that sentence could not possibly regard any thing but his transmarine dominions, which alone he held in vassalage to that crown. On more plausible grounds, they affirmed, that he had already deposed himself by doing homage to the pope, changing the nature of his sovereignty, and resigning an independent crown for a fee under a foreign power. And as Blanche of Castile, the wife of Lewis, was descended by her mother from Henry II., they maintained, though many other princes stood before her in the order of succession, that they had not shaken off the royal family, in choosing her husband for their sovereign.

Philip was strongly tempted to lay hold on the rich prize which was offered to him. The legate menaced him with interdicts and excommunications, if he invaded the patrimony of St. Peter, or attacked a prince who was under the immediate protection of the holy see; but as Philip was assured of the obedience of his own vassals, his principles were changed with the times, and he now undervalued as much all papal censures, as he formerly pretended to pay respect to them. His chief scruple was with regard to the fidelity which he might expect from the English barons in their new engagements, and the danger of intrusting his son and heir into the hands of men who might, on any caprice or necessity, make peace with their native sovereign, by sacrificing a pledge of so much value. He therefore exacted from the barons twenty-five hostages of the most noble birth in the kingdom; and having obtained this security, he sent over first a small army to the relief of the confederates; then more numerous forces, which arrived with Lewis himself at their head.



The first effect of the young prince's appearance in England was the desertion of John's foreign troops, who, being mostly levied in Flanders, and other provinces of France, refused to serve against the heir of their monarchy. The Gascons and Poitevins alone, who were still John's subjects, adhered to his cause; but they were too weak to maintain that superiority in the field which they had hitherto supported against the confederated barons. Many considerable noblemen deserted John's party, the earls of Salisbury, Arundel, Warrenne, Oxford, Albemarle, and William Mareschal the younger: his castles fell daily into the hands of the enemy; Dover was the only place which, from the valor and fidelity of Hubert de Burgh, the governor, made resistance to the progress of Lewis; and the barons had the melancholy prospect of finally succeeding in their purpose, and of escaping the tyranny of their own king, by imposing on themselves and the nation a foreign yoke. But this union was of short duration between the French and English nobles; and the imprudence of Lewis, who on every occasion showed too visible a preference to the former, increased that jealousy which it was so natural for the latter to entertain in their present situation. The viscount of Melun, too, it is said, one of his courtiers, fell sick at London; and finding the approaches of death, he sent for some of his friends among the English barons, and warning them of their danger, revealed Lewis's secret intentions of exterminating them and their families as traitors to their prince, and of bestowing their estates and dignities on his native subjects, in whose fidelity he could more reasonably place confidence. This story, whether true or false, was universally reported and believed; and, concurring with other circumstances, which rendered it credible, did great prejudice to the cause of Lewis. The earl of Salisbury and other noblemen deserted again to John's party; and as men easily change sides in a civil war, especially where their power is founded on an hereditary and independent authority, and is not derived from the opinion and favor of the people, the French prince had reason to dread a sudden reverse of fortune. The king was assembling a considerable army, with a view of fighting one great battle for his crown; but passing from Lynne to Lincolnshire, his road lay along the sea-shore, which was overflowed at high water; and not choosing the proper time for his journey, he lost in the inundation all his carriages, treasure, baggage, and regalia. The affliction for this disaster, and vexation from the distracted

state of his affairs, increased the sickness under which he then labored; and though he reached the castle of Newark, he was obliged to halt there, and his distemper soon after put an end to his life, in the forty-ninth year of his age, and eighteenth of his reign; and freed the nation from the dangers to which it was equally exposed by his success or by his misfortunes.

The character of this prince is nothing but a complication of vices, equally mean and odious; ruinous to himself and destructive to his people. Cowardice, inactivity, folly, levity licentiousness, ingratitude, treachery, tyranny, and cruelty all these qualities appear too evidently in the several incidents of his life, to give us room to suspect that the disagreeable picture has been anywise overcharged by the prejudices of the ancient historians. It is hard to say whether his conduct to his father, his brother, his nephew, or his subjects, was most culpable; or whether his crimes, in these respects, were not even exceeded by the baseness which appeared in his transactions with the king of France, the pope, and the barons. His European dominions, when they devolved to him by the death of his brother, were more extensive than have ever, since his time, been ruled by any English monarch: but he first lost by his misconduct the flourishing provinces in France, the ancient patrimony of his family: he subjected his kingdom to a shameful vassalage under the see of Rome: he saw the prerogatives of his crown diminished by law, and still more reduced by faction; and he died at last, when in danger of being totally expelled by a foreign power, and of either ending his life miserably in prison, or seeking shelter as a fugitive from the pursuit of his enemies.

The prejudices against this prince were so violent, that he was believed to have sent an embassy to the Miramoulin, or emperor of Morocco, and to have offered to change his religion and become Mahometan, in order to purchase the protection of that monarch. But though this story is told us, on plausible authority, by Matthew Paris, it is in itself utterly improbable; except that there is nothing so incredible but may be believed to proceed from the folly and wickedness of John.

The monks throw great reproaches on this prince for his impiety, and even infidelity; and as an instance of it, they tell us that, having one day caught a very fat stag, he exclaimed, "How plump and well fed is this

animal! and yet I dare swear he never heard mass.” This sally of wit upon the usual corpulency of the priests, more than all his enormous crimes and iniquities, made him pass with them for an atheist.

John left two legitimate sons behind him, Henry, born on the first of October, 1207, and now nine years of age; and Richard, born on the sixth of January, 1209; and three daughters, Jane, afterwards married to Alexander, king of Scots; Eleanor, married first to William Mareschal the younger, earl of Pembroke, and then to Simon Mountfort earl of Leicester; and Isabella, married to the emperor Frederic II. All these children were born to him by Isabella of Angouleme, his second wife. His illegitimate children were numerous; but none of them were anywise distinguished.

It was this king who, in the ninth year of his reign, first gave by charter to the city of London, the right of electing annually a mayor out of its own body, an office which was till now held for life. He gave the city also power to elect and remove its sheriffs at pleasure, and its common-council men annually. London bridge was finished in this reign: the former bridge was of wood. Maud, the empress, was the first that built a stone bridge in England.



## APPENDIX 2.

### THE FEUDAL AND ANGLO-NORMAN GOVERNMENT AND MANNERS.

**T**he feudal law is the chief foundation both of the political government and of the jurisprudence established by the Normans in England. Our subject therefore requires that we should form a just idea of this law, in order to explain the state, as well of that kingdom, as of all other kingdoms of Europe, which during those ages were governed by similar institutions. And though I am sensible that I must here repeat many observations and reflections which have been communicated by others, yet as every book, agreeably to the observation of a great historian, should be as complete as possible within itself, and should never refer for any thing material to other books, it will be necessary in this place to deliver a short plan of that prodigious fabric, which for several centuries preserved such a mixture of liberty and oppression, order and anarchy, stability and revolution, as was never experienced in any other age or any other part of the world.

After the northern nations had subdued the provinces of the Roman empire, they were obliged to establish a system of government which might secure their conquests, as well against the revolt of their numerous subjects who remained in the provinces, as from the inroads of other tribes, who might be tempted to ravish from them their new acquisitions. The great change of circumstances made them here depart from those institutions which prevailed among them while they remained in the forests of Germany; yet was it still natural for them to retain, in their present settlement, as much of their ancient customs as was compatible with their new situation.

The German governments, being more a confederacy of independent warriors than a civil subjection, derived their principal force from many inferior and voluntary associations which individuals formed under a particular head or chieftain, and which it became the highest point of honor to maintain with inviolable fidelity. The glory of the chief consisted in the number, the bravery, and the zealous attachment of his retainers;

the duty of the retainers required that they should accompany their chief in all wars and dangers, that they should fight and perish by his side, and that they should esteem his renown or his favor a sufficient recompense for all their services.<sup>1</sup> The prince himself was nothing but a great chieftain, who was chosen from among the rest on account of his superior valor or nobility; and who derived his power from the voluntary association or attachment of the other chieftains.

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<sup>1</sup> Tacit. de Mor. Germ.]

When a tribe, governed by these ideas, and actuated by these principles, subdued a large territory, they found that, though it was necessary to keep themselves in a military posture, they could neither remain united in a body, nor take up their quarters in several garrisons, and that their manners and institutions debarred them from using these expedients the obvious ones, which, in a like situation, would have been employed by a more civilized nation. Their ignorance in the art of finances, and perhaps the devastations inseparable from such violent conquests, rendered it impracticable for them to levy taxes sufficient for the pay of numerous armies; and their repugnance to subordination, with their attachment to rural pleasures, made the life of the camp or garrison, if perpetuated during peaceful times, extremely odious and disgusting to them. They seized, therefore, such a portion of the conquered lands as appeared necessary; they assigned a share for supporting the dignity of their prince and government; they distributed other parts, under the title of fiefs, to the chiefs; these made a new partition among their retainers; the express condition of all these grants was, that they might be resumed at pleasure, and that the possessor, so long as he enjoyed them, should still remain in readiness to take the field for the defence of the nation. And though the conquerors immediately separated, in order to enjoy their new acquisitions, their martial disposition made them readily fulfil the terms of their engagement: they assembled on the first alarm; their habitual attachment to the chieftain made them willingly submit to his command; and thus a regular military force though concealed was always ready to defend, on any emergency, the interest and honor of the community.

We are not to imagine, that all the conquered lands were seized by the northern conquerors, or that the whole of the land thus seized was subjected to those military services. This supposition is confuted by the history of all the nations on the continent. Even the idea given us of the German manners by the Roman historian, may convince us, that that bold people would never have been content with so precarious a subsistence, or have fought to procure establishments which were only to continue during the good pleasure of their sovereign. Though the northern chieftains accepted of lands which, being considered as a kind of military pay, might be resumed at the will of the king or general, they also took possession of estates which, being hereditary and independent, enabled them to maintain their native liberty, and support, without court favor, the honor of their rank and family.

But there is a great difference, in the consequences, between the distribution of a pecuniary subsistence, and the assignment of lands burdened with the condition of military service. The delivery of the former, at the weekly, monthly, or annual terms of payment, still recalls the idea of a voluntary gratuity from the prince, and reminds the soldier of the precarious tenure by which he holds his commission. But the attachment, naturally formed with a fixed portion of land, gradually begets the idea of something like property, and makes the possessor forget his dependent situation, and the condition which was at first annexed to the grant. It seemed equitable, that one who had cultivated and sowed a field, should reap the harvest: hence fiefs, which were at first entirely precarious were soon made annual. A man who had employed his money in building, planting, or other improvements, expected to reap the fruits of his labor or expense: hence they were next granted during a term of years. It would be thought hard to expel a man from his possessions who had always done his duty, and performed the conditions on which he originally received them: hence the chieftains, in a subsequent period, thought themselves entitled to demand the enjoyment of their feudal lands during life. It was found, that a man would more willingly expose himself in battle, if assured that his family should inherit his possessions, and should not be left by his death in want and poverty; hence fiefs were made hereditary in families, and descended, during one age to the son, then to the grandson, next to the brothers, and afterwards to more distant relations.<sup>2</sup> The idea of

property stole in gradually upon that of military pay; and each century made some sensible addition to the stability of fiefs and tenures.

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<sup>2</sup> Lib. Feud. lib. i. tit. i.]

In all these successive acquisitions, the chief was supported by his vassals; who, having originally a strong connection with him, augmented by the constant intercourse of good offices, and by the friendship arising from vicinity and dependence, were inclined to follow their leader against all his enemies, and voluntarily, in his private quarrels, paid him the same obedience to which, by their tenure, they were bound in foreign wars. While he daily advanced new pretensions to secure the possession of his superior fief, they expected to find the same advantage in acquiring stability to their subordinate ones; and they zealously opposed the intrusion of a new lord, who would be inclined, as he was fully entitled, to bestow the possession of their lands on his own favorites and retainers. Thus the authority of the sovereign gradually decayed; and each noble, fortified in his own territory by the attachment of his vassals, became too powerful to be expelled by an order from the throne; and he secured by law what he had at first acquired by usurpation.

During this precarious state of the supreme power, a difference would immediately be experienced between those portions of territory which were subjected to the feudal tenures, and those which were possessed by an allodial or free title. Though the latter possessions had at first been esteemed much preferable, they were soon found, by the progressive changes introduced into public and private law, to be of an inferior condition to the former. The possessors of a feudal territory, united by a regular subordination under one chief, and by the mutual attachments of the vassals, had the same advantages over the proprietors of the other, that a disciplined army enjoys over a dispersed multitude; and were enabled to commit with impunity all injuries on their defenceless neighbors. Every one, therefore, hastened to seek that protection which he found so necessary; and each allodial proprietor, resigning his possessions into the hands of the king, or of some nobleman respected for power or valor, received them back with the condition of feudal services,<sup>3</sup> which, though a

burden somewhat grievous, brought, him ample compensation, by connecting him with the neighboring proprietors, and placing him under the guardianship of a potent chieftain. The decay of the political government thus necessarily occasioned the extension of the feudal: the kingdoms of Europe were universally divided into baronies, and these into inferior fiefs; and the attachment of vassals to their chief, which was at first an essential part of the German manners, was still supported by the same causes from which it at first arose; the necessity of mutual protection, and the continued intercourse, between the head and the members, of benefits and services.

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<sup>3</sup> Marculf. Form. 47, apud Lindenbr. p. 1238,]

But there was another circumstance, which corroborated these feudal dependencies, and tended to connect the vassals with their superior lord by an indissoluble bond of union. The northern conquerors, as well as the more early Greeks and Romans, embraced a policy, which is unavoidable to all nations that have made slender advances in refinement: they every where united the civil jurisdiction with the military power. Law, in its commencement, was not an intricate science, and was more governed by maxims of equity, which seem obvious to common sense, than by numerous and subtle principles, applied to a variety of cases by profound reasonings from analogy. An officer, though he had passed his life in the field, was able to determine all legal controversies which could occur within the district committed to his charge; and his decisions were the most likely to meet with a prompt and ready obedience, from men who respected his person, and were accustomed to act under his command. The profit arising from punishments, which were then chiefly pecuniary, was another reason for his desiring to retain the judicial power; and when his fief became hereditary, this authority, which was essential to it, was also transmitted to his posterity. The counts and other magistrates, whose power was merely official, were tempted, in imitation of the feudal lords, whom they resembled in so many particulars, to render their dignity perpetual and hereditary; and in the decline of the regal power, they found no difficulty in making good their pretensions. After this manner the vast



fabric of feudal subordination became quite solid and comprehensive; it formed every where an essential part of the political constitution; and the Norman and other barons, who followed the fortunes of William, were so accustomed to it, that they could scarcely form an idea of any other species of civil government.<sup>4</sup>

The Saxons who conquered England, as they exterminated the ancient inhabitants, and thought themselves secured by the sea against new invaders, found it less requisite to maintain themselves in a military posture: the quantity of land which they annexed to offices seems to have been of small value; and for that reason continued the longer in its original situation, and was always possessed during pleasure by those who were intrusted with the command. These conditions were too precarious to satisfy the Norman barons, who enjoyed more independent possessions and jurisdictions in their own country; and William was obliged, in the new distribution of land, to copy the tenures which were now become universal on the continent. England of a sudden became a feudal kingdom,<sup>5</sup> and received all the advantages, and was exposed to all the inconveniences, incident to that species of civil polity.

According to the principles of the feudal law, the king was the supreme lord of the landed property: all possessors, who enjoyed the fruits or revenue of any part of it, held those privileges, either mediately or immediately, of him; and their property was conceived to be, in some degree, conditional.<sup>6</sup> The land was still apprehended to be a species of benefice, which was the original conception of a feudal property; and the vassal owed, in return for it, stated services to his baron, as the baron himself did for his land to the crown. The vassal was obliged to defend his baron in war; and the baron, at the head of his vassal, was bound to fight in defence of the king and kingdom. But besides these military services, which were casual, there were others imposed of a civil nature, which were more constant and durable.

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<sup>4</sup> ... The ideas of the feudal government were so rooted, that even lawyers in those ages could not form a notion of any either constitution. Regnum (says Braeton, lib. ii. cap. 34) quod ex comitatibus et baronibus dicitur esse constitutum.]

<sup>5</sup> ... Coke, Comm. on Lit. p. 1, 2, ad sect. 1.]

The northern nations had no idea that any man trained up to honor and inured to arms, was ever to be governed, without his own consent, by the absolute will of another; or that the administration of justice was ever to be exercised by the private opinion of any one magistrate, without the concurrence of some other persons, whose interest might induce them to check his arbitrary and iniquitous decisions. The king, therefore, when he found it necessary to demand any service of his barons or chief tenants, beyond what was due by their tenures, was obliged to assemble them, in order to obtain their consent; and when it was necessary to determine any controversy which might arise among the barons themselves, the question must be discussed in their presence, and be decided according to their opinion or advice. In these two circumstances of consent and advice, consisted chiefly the civil services of the ancient barons; and these implied all the considerable incidents of government. In one view, the barons regarded this attendance as their principal privilege; in another, as a grievous burden. That no momentous affairs could be transacted without their consent and advice, was in general esteemed the great security of their possessions and dignities; but as they reaped no immediate profit from their attendance at court, and were exposed to great inconvenience and charge by an absence from their own estates, every one was glad to exempt himself from each particular exertion of this power; and was pleased both that the call for that duty should seldom return upon him, and that others should undergo the burden in his stead. The king, on the other hand, was usually anxious, for several reasons, that the assembly of the barons should be full at every stated or casual meeting: this attendance was the chief badge of their subordination to his crown, and drew them from that independence which they were apt to affect in their own castles and manors; and where the meeting was thin or ill attended, its determinations had less authority, and commanded not so ready an obedience from the whole community.

The case was the same with the barons in their courts, as with the king in the supreme council of the nation. It was requisite to assemble the vassals, in order to determine by their vote any question which regarded

the barony; and they sat along with the chief in all trials, whether civil or criminal, which occurred within the limits of their jurisdiction. They were; bound to pay suit and service at the court of their baron; and as their tenure was military, and consequently honorable, they were admitted into his society, and partook of his friendship. Thus, a kingdom was considered only as a great barony, and a barony as a small kingdom. The barons were peers to each other in the national council, and in some degree companions to the king; the vassals were peers to each other in the court of barony, and companions to their baron.<sup>7</sup>

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<sup>7</sup> Du Cange, Gloss, in verb. Par. Cujac. Commun. in Lib, Feud lib. I, tit i. p. 18, Spelm. Gloss, in verb.]

But though this resemblance so far took place, the vassals by the natural course of things, universally, in the feudal constitutions, fell into a greater subordination under the baron, than the baron himself under his sovereign; and these governments had a necessary and infallible tendency to augment the power of the nobles. The great chief, residing in his country seat, which he was commonly allowed to fortify, lost, in a great measure, his connection or acquaintance with the prince, and added every day new force to his authority over the vassals of the barony. They received from him education in all military exercises; his hospitality invited them to live and enjoy society in his hall; their leisure, which was great, made them perpetual retainers on his person, and partakers of his country sports and amusements; they had no means of gratifying their ambition but by making a figure in his train; his favor and countenance was their greatest honor; his displeasure exposed them to contempt and ignominy; and they felt every moment the necessity of his protection, both in the controversies which occurred with other vassals, and, what was more material, in the daily inroads and injuries which were committed by the neighboring barons. During the time of general war, the sovereign, who marched at the head of his armies, and was the great protector of the state, always acquired some accession to his authority, which he lost during the intervals of peace and tranquillity; but the loose police incident to the feudal constitutions, maintained a perpetual, though secret hostility,

between the several members of the state; and the vassals found no means of securing themselves against the injuries to which they were continually exposed, but by closely adhering to their chief, and falling into a submissive dependence upon him.

If the feudal government was so little favorable to the true liberty even of the military vassal, it was still more destructive of the independence and security of the other members of the state, or what in a proper sense we call the people. A great part of them were serfs, and lived in a state of absolute slavery or villainage; the other inhabitants of the country paid then rent in services, which were in a great measure arbitrary; and they could expect no redress of injuries in a court of barony from men who thought they had a right to oppress and tyrannize over them: the towns were situated either within the demesnes of the king, or the lands of the great barons, and were almost entirely subjected to the absolute will of their master. The languishing state of commerce kept the inhabitants poor and contemptible; and the political institutions were calculated to render that poverty perpetual. The barons and gentry, living in rustic plenty and hospitality, gave no encouragement to the arts, and had no demand for any of the more elaborate manufactures: every profession was held in contempt but that of arms; and if any merchant or manufacturer rose by industry and frugality to a degree of opulence, he found himself but the more exposed to injuries, from the envy and avidity of the military nobles.

These concurring causes gave the feudal governments so strong a bias towards aristocracy, that the royal authority was extremely eclipsed in all the European states; and, instead of dreading the growth of monarchical power, we might rather expect, that the community would every where crumble into so many independent baronies, and lose the political union by which they were cemented. In elective monarchies, the event was commonly answerable to this expectation; and the barons, gaining ground on every vacancy of the throne, raised themselves almost to a state of sovereignty, and sacrificed to their power both the rights of the crown and the liberties of the people. But hereditary monarchies had a principle of authority which was not so easily subverted; and there were several causes which still maintained a degree of influence in the hands of the sovereign.

The greatest baron could never lose view entirely of those principles of the feudal constitution which bound him, as, a vassal, to submission and fealty towards his prince; because he was every moment obliged to have recourse to those principles, in exacting fealty and submission from his own vassals. The lesser barons, finding that the annihilation of royal authority left them exposed without protection to the insults and injuries of more potent neighbors, naturally adhered to the crown, and promoted the execution of general and equal laws. The people had still a stronger interest to desire the grandeur of the sovereign; and the king, being the legal magistrate, who suffered by every internal convulsion or oppression, and who regarded the great nobles as his immediate rivals, assumed the salutary office of general guardian or protector of the commons. Besides the prerogatives with which the law invested him, his large demesnes and numerous retainers rendered him, in one sense, the greatest baron in his kingdom; and where he was possessed of personal vigor and abilities, (for his situation required these advantages,) he was commonly able to preserve his authority, and maintain his station as head of the community, and the chief fountain of law and justice.

The first kings of the Norman race were favored by another circumstance, which preserved them from the encroachments of their barons. They were generals of a conquering army, which was obliged to continue in a military posture, and to maintain great subordination under their leader, in order to secure themselves from the revolt of the numerous natives, whom they had bereaved of all their properties and privileges. But though this circumstance supported the authority of William and his immediate successors, and rendered them extremely absolute, it was lost as soon as the Norman barons began to incorporate with the nation, to acquire a security in their possessions, and to fix their influence over their vassals, tenants, and slaves. And the immense fortunes which the Conqueror had bestowed on his chief captains, served to support their independence, and make them formidable to the sovereign.

He gave, for instance, to Hugh de Abrincis, his sister's son, the whole county of Chester, which he erected into a palatinate, and rendered by his grant almost independent of the crown.<sup>8</sup> Robert, earl of Mortaigne, had nine hundred and seventy-three manors and lordships: Allan, earl of

Brittany and Richmond, four hundred and forty-two: Odo, bishop of Baieux, four hundred and thirty-nine:<sup>9</sup> Geoffrey, bishop of Coutance, two hundred and eighty:<sup>10</sup> Walter Giffard, earl of Buckingham, one hundred and seven.

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<sup>8</sup> Camd. in Chesh. Spel. Gloss, in verb. Comes Palatinus.]

<sup>9</sup> Brady's Hist. p. 198, 200.]

<sup>10</sup> Order Vitalia.]

William, earl Warrenne, two hundred and ninety-eight, besides twenty-eight towns or hamlets in Yorkshire: Todenei, eighty-one: Roger Bigod, one hundred and twenty-three: Robert, earl of Eu, one hundred and nineteen: Roger Mortimer, one hundred and thirty-two, besides several hamlets: Robert de Stafford, one hundred and thirty: Walter de Eurus, earl of Salisbury, forty-six Geoffrey de Mandeville, one hundred and eighteen Richard de Clare, one hundred and seventy-one: Hugh de Beauchamp, forty-seven: Baldwin de Rivers, one hundred and sixty-four: Henry de Ferrers, two hundred and twenty-two: William de Percy, one hundred and nineteen:<sup>11</sup> Norman d'Arcy, thirty-three.<sup>12</sup> Sir Henry Spelman computea that, in the large county of Norfolk, there were not, in the Conqueror's time, above sixty-six proprietors of land.<sup>13</sup> Men possessed of such princely revenues and jurisdictions could not long be retained in the rank of subjects. The great Earl Warrenne, in a subsequent reign, when he was questioned concerning his right to the lands which he possessed, drew his sword, which he produced as his title; adding, that William the bastard did not conquer the kingdom himself; but that the barons, and his ancestor among the rest, were joint adventurers in the enterprise.<sup>14</sup>

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<sup>11</sup> Dugdale's Baronage, from Domesday-book, vol. i. p. 60, 74; iii. 112, 132, 136, 138, 156, 174, 200, 207, 223, 254, 257, 269.]

<sup>12</sup> Ibid. p. 319. It is remarkable that this family of D'Arcy seema to be the only male descendants of any of the Conqueror's barons now remaining among the peers. Lord Holderness is the heir of that family.]

<sup>13</sup> Spel. Gloss, hi verb. Domesday.]

<sup>14</sup> Dug. Bar. vol. i. p. 79. Ibid. Origines Juridicales p. 13,]

[...?] before the king had made him restitution of his temporalities; and during the vacancy of a see, the guardian of the spiritualities was summoned to attend along with the bishops.

The supreme legislative power of England was lodged in the king and great council, or what was afterwards called the parliament. It is not doubted but the archbishops, bishops, and most considerable abbots were constituent members of this council. They sat by a double title: by prescription, as having always possessed that privilege, through the whole Saxon period, from the first establishment of Christianity; and by their right of baronage, as holding of the king in capite by military service. These two titles of the prelates were never accurately distinguished. When the usurpations of the church had risen to such a height, as to make the bishops affect a separate dominion, and regard their seat in parliament as a degradation of their episcopal dignity, the king insisted that they were barons, and, on that account, obliged, by the general principles of the feudal law, to attend on him in his great councils. Yet there still remained some practices, which supposed their title to be derived merely from ancient possession.

The barons were another constituent part of the great council of the nation. These held immediately of the crown by a military tenure: they were the most honorable members of the state, and had a right to be consulted in all public deliberations: they were the immediate vassals of the crown, and owed as a service their attendance in the court of their supreme lord. A resolution taken without their consent was likely to be but ill executed: and no determination of any cause or controversy among them had any validity, where the vote and advice of the body did not concur. The dignity of earl or count was official and territorial, as well as hereditary; and as all the earls were also barons, they were considered as military vassals of the crown, were admitted in that capacity into the general council, and formed the most honorable and powerful branch of it.

But there was another class of the immediate military tenants of the crown, no less, or probably more numerous than the barons, the tenants in capite by knights' service and these, however inferior in power or property,

held by a tenure which was equally honorable with that of the others. A barony was commonly composed of several knights' fees: and though the number seems not to have been exactly defined, seldom consisted of less than fifty hides of land:<sup>15</sup> but where a man held of the king only one or two knight's fees, he was still an immediate vassal of the crown, and as such had a title to have a seat in the general councils. But as this attendance was usually esteemed a burden, and one too great for a man of slender fortune to bear constantly, it is probable that, though he had a title, if he pleased, to be admitted, he was not obliged by any penalty, like the barons, to pay a regular attendance.

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<sup>15</sup> Four hides made one knight's fee: the relief of a barony was twelve times greater than that of a knight's fee; whence we may conjecture its usual value. Spel. Gloss, in verb. Feodum. There were two hundred and forty-three thousand six hundred hides in England, and sixty thousand two hundred and fifteen knights' fees; whence it is evident that there were a little more than four hides in each knight's fee.]

All the immediate military tenants of the crown amounted not fully to seven hundred, when Domesday-book was framed; and as the members were well pleased, on any pretext, to excuse themselves from attendance, the assembly was never likely to become too numerous for the despatch of public business.

So far the nature of a general council or ancient parliament is determined without any doubt or controversy, The only question seems to be with regard to the commons, or the representatives of counties and boroughs; whether they were also, in more early times, constituent parts of parliament. This question was once disputed in England with great acrimony; but such is the force of time and evidence, that they can sometimes prevail even over faction; and the question seems, by general consent, and even by their own, to be at last determined against the ruling party. It is agreed, that the commons were no part of the great council till some ages after the conquest; and that the military tenants alone of the crown composed that supreme and legislative assembly.

The vassals of a baron were by their tenure immediately dependent on him, owed attendance at his court, and paid all their duty to the king,



through that dependence which their lord was obliged by his tenure to acknowledge to his sovereign and superior. Their land, comprehended in the barony, was represented in parliament by the baron himself, who was supposed, according to the fictions of the feudal law, to possess the direct property of it; and it would have been deemed incongruous to give it any other representation. They stood in the same capacity to him, that he and the other barons did to the king: the former were peers of the barony; the latter were peers of the realm: the vassals possessed a subordinate rank within their district: the baron enjoyed a superior dignity in the great assembly: they were in some degree his companions at home; he the king's companion at court: and nothing can be more evidently repugnant to all feudal ideas, and to that gradual subordination which was essential to those ancient institutions, than to imagine that the king would apply either for the advice or consent of men who were of a rank so much inferior, and whose duty was immediately paid to the mesne lord that was interposed between them and the throne.<sup>16</sup>

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<sup>16</sup> Spel. Gloss, in verb. Baro.]

If it be unreasonable to think that the vassals of a barony, though their tenure was military, and noble, and honorable, were ever summoned to give their opinion in national councils, much less can it be supposed that the tradesmen or inhabitants of boroughs, whose condition was so much inferior, would be admitted to that privilege. It appears from Domesday, that the greatest boroughs were, at the time of the conquest, scarcely more than country villages; and that the inhabitants lived in entire dependence on the king or great lords, and were of a station little better than servile.<sup>17</sup> They were not then so much as incorporated; they formed no community; were not regarded as a body politic; and being really nothing but a number of low, dependent tradesmen, living, without any particular civil tie, in neighborhood together, they were incapable of being represented in the states of the kingdom. Even in France, a country which made more early advances in arts and civility than England, the first corporation is sixty years posterior to the conquest under the duke of Normandy; and the erecting of these communities was an invention of Lewis the Gross, in

order to free the people from slavery under the lords, and to give them protection by means of certain privileges and a separate jurisdiction.<sup>18</sup> An ancient French writer calls them a new and wicked device, to procure liberty to slaves, and encourage them in shaking off the dominion of their masters.<sup>19</sup> The famous charter, as it is called, of the Conqueror to the city of London, though granted at a time when he assumed the appearance of gentleness and lenity, is nothing but a letter of protection, and a declaration that the citizens should not be treated as slaves.<sup>20</sup> By the English feudal law, the superior lord was prohibited from marrying his female ward to a burgess or a villain;<sup>21</sup> so near were these two ranks esteemed to each other, and so much inferior to the nobility and gentry. Besides possessing the advantages of birth, riches, civil powers and privileges, the nobles and gentlemen alone were armed a circumstance which gave them a mighty superiority, in an age when nothing but the military profession was honorable, and when the loose execution of laws gave so much encouragement to open violence, and rendered it so decisive in all disputes and controversies.<sup>22</sup>

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<sup>17</sup> "Liber homo" anciently signified a gentleman: for scarce any one beside was entirely free. Spel. Gloss, in verbo.]

<sup>18</sup> Du Gauge's Gloss, in verb. Commune, Communitas.]

<sup>19</sup> Guibertus, de vita sua, lib. iii. cap. 7.]

<sup>20</sup> Stat. of Merton, 1235, esp. 6.]

<sup>21</sup> Madox, Baron. Angl. p. 19.]

<sup>22</sup> ???

The great similarity among the feudal governments of Europe is well known to every man that has any acquaintance with ancient history: and the antiquaries of all foreign countries, where the question was never embarrassed by party disputes, have allowed that the commons came very late to be admitted to a share in the legislative power. In Normandy particularly, whose constitution was most likely to be William's model in raising his new fabric of English government, the states were entirely

composed of the clergy and nobility; and the first incorporated boroughs or communities of that duchy were Rouen and Falaise, which enjoyed their privileges by a grant of Philip Augustus in the year 1207.<sup>23</sup> All the ancient English historians, when they mention the great council of the nation, call it an assembly of the baronage, nobility, or great men; and none of their expressions, though several hundred passages might be produced, can, without the utmost violence, be tortured to a meaning which will admit the commons to be constituent members of that body.<sup>24</sup>

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<sup>23</sup> Norman, du Chesnil, p. 1066. Du Cange, Gloss, in verb. Commune.]

<sup>24</sup> Sometimes the historians mention the people, "populus," as a part of the parliament; but they always mean the laity, in opposition to the clergy. Sometimes the word "communitas" is found; but it always means "communitas baronagii." These points are clearly proved by Dr. Brady. There is also mention sometimes made of a crowd or multitude that thronged into the great council on particular interesting occasions; but as deputies from boroughs are never once spoken of, the proof that they had not then any existence becomes the more certain and undeniable. These never could make a crowd, as they must have had a regular place assigned them if they had made a regular part of the legislative body. There were only one hundred and thirty boroughs who received writs of summons from Edward I. It is expressly said in Gesta Reg. Steph. p. 932, that it was usual for the populace, "vulgus," to crowd into the great councils; where they were plainly mere spectators, and could only gratify their curiosity.]

If in the long period of two hundred years, which elapsed between the conquest and the latter end of Henry III., and which abounded in factions, revolutions, and convulsions of all kinds, the house of commons never performed one single legislative act so considerable as to be once mentioned by any of the numerous historians of that age, they must have been totally insignificant: and in that case, what reason can be assigned for their ever being assembled? Can it be supposed that men of so little weight or importance possessed a negative voice against the king and the barons? Every page of the subsequent histories discovers their existence; though these histories are not written with greater accuracy than the preceding ones, and indeed scarcely equal them in that particular. The Magna Charta of King John provides that no scutage or aid should be imposed, either on

the land or towns, but by consent of the great council; and for more security it enumerates the persons entitled to a seat in that assembly, the prelates and immediate tenants of the crown, without any mention of the commons; an authority so full, certain, and explicit, that nothing but the zeal of party could ever have procured credit to any contrary hypothesis.

It was probably the example of the French barons, which first imboldened the English to require greater independence from their sovereign: it is also probable that the boroughs and corporations of England were established in imitation of those of France. It may, therefore, be proposed as no unlikely conjecture, that both the chief privileges of the peers in England and the liberty of the commons were originally the growth of that foreign country.

In ancient times, men were little solicitous to obtain a place in the legislative assemblies; and rather regarded their attendance as a burden, which was not compensated by any return of profit or honor, proportionate to the trouble and expense. The only reason for instituting those public councils was, on the part of the subject, that they desired some security from the attempts of arbitrary power; and on the part of the sovereign, that he despaired of governing men of such independent spirits without their own consent and concurrence. But the commons, or the inhabitants of boroughs, had not as yet reached such a degree of consideration, as to desire security against their prince, or to imagine that, even if they were assembled in a representative body, they had power or rank sufficient to enforce it. The only protection which they aspired to, was against the immediate violence and injustice of their fellow-citizens; and this advantage each of them looked for from the courts of justice, or from the authority of some great lord, to whom, by law or his own choice, he was attached. On the other hand, the sovereign was sufficiently assured of obedience in the whole community if he procured the concurrence of the nobles; nor had he reason to apprehend that any order of the state could resist his and their united authority. The military sub-vassals could entertain no idea of opposing both their prince and their superiors: the burgesses and tradesmen could much less aspire to such a thought: and thus, even if history were silent on the head, we have reason to conclude,

from the known situation of society during those ages, that the commons were never admitted as members of the legislative body.

The executive power of the Anglo-Norman government was lodged in the king. Besides the stated meetings of the national council at the three great festivals of Christmas, Easter, and Whitsuntide,<sup>25</sup> he was accustomed, on any sudden exigence to summon them together. He could at his pleasure command the attendance of his barons and their vassals, in which consisted the military force of the kingdom; and could employ titem, during forty days, either in resisting a foreign enemy, or reducing his rebellious subjects. And what was of great importance, the whole judicial power was ultimately in his bands, and was exercised by officers and ministers of his appointment.

The general plan of the Anglo-Norman government was, that the court of barony was appointed to decide such controversies as arose between the several vassals or subjects of the same barony: the hundred court and county court, which were still continued as during the Saxon times,<sup>26</sup> to judge between the subjects of different baronies;<sup>27</sup> and the curia regis, or king's court, to give sentence among the barons themselves.<sup>28</sup>

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<sup>25</sup> Dugd. Orig. Jurid, p. 1.5 Spel. Gloss, in verbo Parliamentum.]

<sup>26</sup> Ang. Sacra, vol. i., p. 334, etc. Dugd. Orig. Jurid., p. 27, 29. Madox, Hist, of the Exch., p. 75, 76. Spel. Gloss, in verbo Hundred:]

<sup>27</sup> None of the feudal governments in Europe had such institutions as the county courts, which the great authority of the Conqueror still retained from the Saxon customs. All the freeholders of the county, even the greatest barons, were obliged to attend the sheriff in these courts, and to assist them in the administration of justice. By this means they received frequent and sensible admonitions of their dependence on the king or supreme magistrate: they formed a kind of community with their fellow-barons and freeholders; they were often drawn from their individual and independent state, peculiar to the feudal system, and were made members of a political body: and perhaps this institution of county courts in England has had greater effects on the government than has yet been distinctly pointed out by historians, or traced by antiquaries. The barons were never able to free themselves from this attendance on the sheriffs and itinerant justices till the reign of Henry III.]

<sup>28</sup> Brady, Tref. p. 143.]

Circumstances which, being derived from a very extensive authority assumed by the conqueror, contributed to increase the royal prerogative; and, as long as the state was not disturbed by arms, reduced every order of the community to some degree of dependence and subordination.

The king himself often sat in his court, which always attended his person:<sup>29</sup> he there heard causes and pronounced judgment;<sup>30</sup> and though he was assisted by the advice of the other members, it is not to be imagined that a decision could easily be obtained, contrary to his inclination or opinion. In his absence the chief justiciary presided, who was the first magistrate in the state, and a kind of viceroy, on whom depended all the civil affairs of the kingdom.<sup>31</sup> The other chief officers of the crown, the constable, mareschal, seneschal chamberlain, treasurer, and chancellor:<sup>32</sup> were members, together with such feudal barons as thought proper to attend, and the barons of the exchequer, who at first were also feudal barons appointed by the king.<sup>33</sup> This court, which was sometimes called the king's court, sometimes the court of exchequer, judged in all causes, civil and criminal, and comprehended the whole business which is now shared out among four courts the chancery, the king's bench, the common pleas, and the exchequer.<sup>34</sup>

Such an accumulation of powers was itself a great source of authority, and rendered the jurisdiction of the court formidable to all the subjects; but the turn which judicial trials took soon after the conquest, served still more to increase its authority, and to augment the royal prerogatives. William, among the other violent changes which he attempted and effected, had introduced the Norman law into England,<sup>35</sup> had ordered all the pleadings to be in that tongue, and had interwoven with the English jurisprudence all the maxims and principles which the Normans, more advanced in cultivation and naturally litigious, were accustomed to observe in the distribution of justice.

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<sup>29</sup> Madox, Hist. of the Exch. p. 103.]

<sup>30</sup> Bracton, lib. iii. cap. 9, sect. 1; cap. 10, sect. 1.]

<sup>31</sup> Spel. Gloss, in verbo Justiciarum.]

<sup>32</sup>..... 54. The Normans introduced the practice of sealing charters; and the chancellor's office was to keep the great seal. Ingulph. Dugd. p. 33, 34.]

<sup>33</sup>..... Madox, Hist, of the Exch. p. 134, 135. Gerv. Dorob. p, 1387,]

<sup>34</sup>..... Madox. Hist. of the Exch. p. 56, 70.]

<sup>35</sup>..... Dial, de Scac. p. 30, apud Madox, Hist, of the Exch.]]

Law now became a science, which at first fell entirely into the hands of the Normans; and which, even after it was communicated to the English, required so much study and application, that the laity in those ignorant ages were incapable of attaining it, and it was a mystery almost solely confined to the clergy, and chiefly to the monks<sup>36</sup>..... The great officers of the crown, and the feudal barons, who were military men, found themselves unfit to penetrate into those obscurities; and though they were entitled to a seat in the supreme judicature, the business of the court was wholly managed by the chief justiciary and the law barons, who were men appointed by the king, and entirely at his disposal.<sup>37</sup> This natural course of things was forwarded by the multiplicity of business which flowed into that court, and which daily augmented by the appeals from all the subordinate judicatures of the kingdom.

In the Saxon times, no appeal was received in the king's court, except upon the denial or delay of justice by the inferior courts; and the same practice was still observed in most of the feudal kingdoms of Europe. But the great power of the Conqueror established at first in England an authority which the monarchs in France were not able to attain till the reign of St. Lewis, who lived near two centuries after: he empowered his court to receive appeals both from the courts of barony and the county courts, and by that means brought the administration of justice ultimately into the hands of the sovereign.<sup>38</sup>..... And, lest the expense or trouble of a journey to court should discourage suitors, and make them acquiesce in the decision of the inferior judicatures, itinerant judges were afterwards established, who made their circuits throughout the kingdom, and tried all causes that were brought before them.<sup>39</sup>.....

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<sup>36</sup>..... Malms, lib. iv. p. 123.]

<sup>37</sup> ..... Dugd. Orig. Jurid. p. 25.]

<sup>38</sup> ..... Madox, Hist. of the Exch, p.65. Glanv. lib. xii. cap. 1, 7. LL. Hen. I. sect. 31, apud Wilkins, p. 248. Fitz-Stephens, p. 36. Coke's Comment, on the Statute of Mulbridge, cap. 20.]

<sup>39</sup> ..... Madox, Hist, of the Exch. p. 83, 84, 100. Gerv. Dorob. p. 1410 What made the Anglo-Norman barons more readily submit to appeals from their court to the king's court of exchequer, was their being accustomed to like appeals in Normandy to the ducal court of exchequer. See Gilbert's History of the Exchequer, p. 1, 2; though the author thinks it doubtful whether the Norman court was not rather copied from English. (p. 6.)]

By this expedient the courts of barony were kept in awe: and if they still preserved some influence, it was only from the apprehensions which the vassals might entertain of disobliging their superior, by appealing from his jurisdiction. But the county courts were much discredited; and as the freeholders were found ignorant of the intricate principles and forms of the new law, the lawyers gradually brought all business before the king's judges, and abandoned the ancient simple and popular judicature. After this manner the formalities of justice, which, though they appear tedious and cumbersome, are found requisite to the support of liberty in all monarchical governments, proved at first, by a combination of causes, very advantageous to royal authority in England.

The power of the Norman kings was also much supported by a great revenue; and by a revenue that was fixed, perpetual, and independent of the subject. The people, without betaking themselves to arms, had no check upon the king, and no regular security for the due administration of justice. In those days of violence, many instances of oppression passed unheeded; and soon after were openly pleaded as precedents, which it was unlawful to dispute or control. Princes and ministers were too ignorant to be themselves sensible of the advantages attending an equitable administration; and there was no established council or assembly which could protect the people, and, by withdrawing supplies, regularly and peaceably admonish the king of his duty, and insure the execution of the laws.

The first branch of the king's stated revenue was the royal demesnes, or crown lands, which were very extensive, and comprehended, beside a



great number of manors, most of the chief cities of the kingdom. It was established by law, that the king could alienate no part of his demesne, and that he himself, or his successor, could at any time resume such donations:<sup>40</sup> but this law was never regularly observed; which happily rendered, in time, the crown somewhat more dependent.

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<sup>40</sup> Feta, lib. i. cap. 8, sect. 17; lib. iii. cap. 6, sect. 3. Bracton, lib ii. cap. 5.]

The rent of the crown-lands, considered merely as so much riches, was a source of power: the influence of the king over his tenants and the inhabitants of his towns increased this power: but the other numerous branches of his revenue, besides supplying his treasury, gave, by their very nature, a great latitude to arbitrary authority, and were a support of the prerogative; as will appear from an enumeration of them.

The king was never content with the stated rents, but levied heavy talliages at pleasure on the inhabitants both of town and, country who lived within his demesne. All bargains of sale, in order to prevent theft, being prohibited, except in boroughs and public markets,<sup>41</sup> he pretended to exact tolls on all goods whist were there sold.<sup>42</sup> He seized two hogsheads, one before and one behind the mast, from every vessel that imported wine. All goods paid to his customs a proportional part of their value:<sup>43</sup> passage over bridges and on rivers was loaded with tolls at pleasure:<sup>44</sup> and though the boroughs by degrees bought the liberty of farming these impositions, yet the revenue profited by these bargains, new sums were often exacted for the renewal and confirmation of their Charters,<sup>45</sup> and the people were thus held in perpetual dependence.

Such was the situation of the inhabitants within the royal demesnes. But the possessors of land, or the military tenants, though they were better protected, both by law and by the great privilege of carrying arms, were, from the nature of their tenures, much exposed to the inroads of power, and possessed not what we should esteem in our age a very durable security. The Conqueror ordained that the barons should be obliged to pay nothing beyond their stated services,<sup>46</sup> except a reasonable aid to ransom his person if he were taken in war, to make his eldest son a knight, and to

marry his eldest daughter. What should on these occasions be deemed a reasonable aid, was not determined; and the demands of the crown were so far discretionary.

The king could require in war the personal attendance of his vassals, that is, of almost all the landed proprietors; and if they declined the service, they were obliged to pay him a composition in money, which was called a scutage. The sum was, during some reigns, precarious and uncertain; it was sometimes levied without allowing the vassal the liberty of personal service;<sup>47</sup> and it was a usual artifice of the king's to pretend an expedition, that he might be entitled to levy the scutage from his military tenants.

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<sup>41</sup> ???

<sup>42</sup> LL. Will. i. cap. 61.]

<sup>43</sup> Madox, p. 530.]

<sup>44</sup> Madox, p. 529. This author says a fifteenth. But it is not easy to reconcile this account to other authorities.]

<sup>45</sup> Madox, p. 529.] etc.]

<sup>46</sup> LL. Will. Conq. sect. 55.]

<sup>47</sup> Gervase de Tilbury, p. 25.]

Danegelt was another species of land-tax levied by the early Norman kings, arbitrarily, and contrary to the laws of the Conqueror.<sup>48</sup> Moneyage was also a general land-tax of the same nature, levied by the two first Norman kings, and abolished by the charter of Henry I.<sup>49</sup> It was a shilling paid every three years by each hearth, to induce the king not to use his prerogative in debasing the coin. Indeed, it appears from that charter, that though the Conqueror had granted his military tenants an immunity from all taxes and talliages, he and his son William had never thought themselves bound to observe that rule, but had levied impositions at pleasure on all the landed estates of the kingdom. The utmost that Henry grants is, that the land cultivated by the military tenant himself shall not be so burdened; but he reserves the power of taxing the farmers: and as it

is known that Henry's charter was never observed in any one article, we may be assured that this prince and his successors retracted even this small indulgence, and levied arbitrary impositions on all the lands of all their subjects. These taxes were sometimes very heavy; since Malmsbury tells us that, in the reign of William Rufus, the farmers, on account of them, abandoned tillage, and a famine ensued.<sup>50</sup>

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<sup>48</sup> Madox, Hist, of the Exch. p. 475.]

<sup>49</sup> M. Paris, p. 38.]

<sup>50</sup> So also Chron. Abb. St. Petri de Burgo, p. 55. Knyghton, p. 2366.]

The escheats were a great branch both of power and of revenue, especially during the first reigns after the conquest. In default of posterity from the first baron, his land reverted to the crown, and continually augmented the king's possessions. The prince had indeed by law a power of alienating these escheats; but by this means he had an opportunity of establishing the fortunes of his friends and servants, and thereby enlarging his authority. Sometimes he retained them in his own hands; and they were gradually confounded with the royal demesnes, and became difficult to be distinguished from them. This confusion is probably the reason why the king acquired the right of alienating his demesnes.

But besides escheats from default of heirs, those which ensued from crimes or breach of duty towards the superior lord were frequent in ancient times. If the vassal, being thrice summoned to attend his superior's court, and do fealty, neglected or refused obedience, he forfeited all title to his land.<sup>51</sup> If he denied his tenure, or refused his service, he was exposed to the same penalty.<sup>52</sup> If he sold his estate without license from his lord,<sup>53</sup> or if he sold it upon any other tenure or title than that by which he himself held it,<sup>54</sup> he lost all right to it. The adhering to his lord's enemies,<sup>55</sup> deserting him in war,<sup>56</sup> betraying his secrets,<sup>57</sup> debauching his wife or his near relations,<sup>58</sup> or even using indecent freedoms with them,<sup>59</sup> might be punished by forfeiture. The higher crimes, rapes, robbery, murder, arson, etc., were called felony; and being interpreted want of fidelity to his lord, made him lose his fief.<sup>60</sup> Even where the felon was

vassal to a baron, though his immediate lord enjoyed the forfeiture, the king might retain possession of his estate during a twelvemonth, and had the right of spoiling and destroying it, unless the baron paid him a reasonable composition.<sup>61</sup> We have not here enumerated all the species of felonies, or of crimes by which forfeiture was incurred: we have said enough to prove that the possession of feudal property was anciently somewhat precarious, and that the primary idea was never lost, of its being a kind of fee or benefice.

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<sup>51</sup> ???

<sup>52</sup> Hottom. de Feud. Disp. cap. 38, col. 886.]

<sup>53</sup> Lib. Feud. lib. iii. tit. 1; lib. iv. tit. 21, 39.]

<sup>54</sup> Lib. Feud. lib. i. tit. 21.]

<sup>55</sup> Lib. Feud. lib. iv. tit. 44.]

<sup>56</sup> Lib. Feud. lib. iv. tit. 14, 21]

<sup>57</sup> Lib. Feud. lib. iv. tit. 14.]

<sup>58</sup> Lib. Feud. lib. i. tit. 14, 21.]

<sup>59</sup> Lib. Feud. lib. i. tit. 1.]

<sup>60</sup> Spel. Gloss, in verbo Felonia]

<sup>61</sup> Spel. Glos. Glanville, lib. vii. cap. 17.]

When a baron died, the king immediately took possession of the estate; and the heir, before he recovered his right, was obliged to make application to the crown, and desire that he might be admitted to do homage for his land, and pay a composition to the king. This composition was not at first fixed by law, at least by practice: the king was often exorbitant in his demands, and kept possession of the land till they were complied with.

If the heir were a minor, the king retained the whole profit of the estate till his majority; and might grant what sum he thought proper for the education and maintenance of the young baron. This practice was also

founded on the notion that a fief was a benefice, and that, while the heir could not perform his military services, the revenue devolved to the superior, who employed another in his stead. It is obvious that a great proportion of the landed property must, by means of this device, be continually in the hands of the prince, and that all the noble families were thereby held in perpetual dependence. When the king granted the wardship of a rich heir to any one, he had the opportunity of enriching a favorite or minister: if he sold it, he thereby levied a considerable sum of money. Simon de Mountfort paid Henry III. ten thousand marks, an immense sum in those days, for the wardship of Gilbert de Umfreville.<sup>62</sup> Geoffrey de Mandeville paid to the same prince the sum of twenty thousand marks, that he might marry Isabel, countess of Gloucester, and possess all her lands and knights' fees. This sum would be equivalent to three hundred thousand, perhaps four hundred thousand pounds in our time.<sup>63</sup>

If the heir were a female, the king was entitled to offer her any husband of her rank he thought proper; and if she refused him, she forfeited her land. Even a male heir could not marry without the royal consent; and it was usual for men to pay large sums for the liberty of making their own choice in marriage.<sup>64</sup> No man could dispose of his land, either by sale or will, without the consent of his superior. The possessor was never considered as full proprietor; he was still a kind of beneficiary; and could not oblige his superior to accept of any vassal that was not agreeable to him.

Fines, amerciements, and oblatas, as they were called, were another considerable branch of the royal power and revenue. The ancient records of the exchequer, which are still preserved, give surprising accounts of the numerous fines and amerciements levied in those days,<sup>65</sup> and of the strange inventions fallen upon to exact money from the subject.

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<sup>62</sup> Madox, Hist. of the Exch. p. 223.]

<sup>63</sup> Madox, Hist. of the Exch. p. 322.]

<sup>64</sup> Madox, Hist. of the Exch. p. 320.]

<sup>65</sup> Madox, Hist. of the Exch. p. 272.]

It appears that the ancient kings of England put themselves entirely on the footing of the barbarous Eastern princes, whom no man must approach without a present, who sell all their good offices, and who intrude themselves into every business, that they may have a pretence for extorting money. Even justice was avowedly bought and sold; the king's court itself, though the supreme judicature of the kingdom, was open to none that brought not presents to the king; the bribes given for the expedition, delay,<sup>66</sup> suspension, and, doubtless, for the perversion of justice, were entered in the public registers of the royal revenue, and remain as monuments of the perpetual iniquity and tyranny of the times. The barons of the exchequer, for instance, the first nobility of the kingdom, were not ashamed to insert, as an article in their records, that the county of Norfolk paid a sum that they might be fairly dealt with;<sup>67</sup> the borough of Yarmouth, that the king's charters, which they have for their liberties, might not be violated;<sup>68</sup> Richard, son of Gilbert, for the king's helping him to recover his debt from the Jews;<sup>69</sup> Serlo, son of Terlavaston, that he might be permitted to make his defence, in case he were accused of a certain homicide;<sup>70</sup> Waiter de Burton, for free law, if accused of wounding another;<sup>71</sup> Robert de Essart, for having an Lquest to find whether Roger the butcher, and Wace and Humphrey, accused him of robbery and theft out of envy and ill will, or not;<sup>72</sup> William Buhurst, for having an inquest to find whether he were accused of the death of one Goodwin out of ill will, or for just cause.<sup>73</sup> I have selected these few instances from a great number of a like kind, which Madox had selected from a still greater number, preserved in the ancient rolls of the exchequer.<sup>74</sup>

Sometimes the party litigant offered the king a certain portion, a half, a third, a fourth, payable out of the debts which he, as the executor of justice, should assist him in recovering.<sup>75</sup> Theophania de Westland agreed to pay the half of two hundred and twelve marks, that she might recover that sum against James de Fughleston;<sup>76</sup> Solomon the Jew engaged to pay one mark out of every seven that he should recover against Hugh de la Hose;<sup>77</sup> Nicholas Morrel promised to pay sixty pounds, that the earl of Flanders might be distrained to pay him three hundred and forty-three pounds, which the earl had taken from him; and these sixty pounds were

to be paid out of the first money that Nicholas should recover from the earl.<sup>78</sup>

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<sup>66</sup> Madox, Hist. of the Exch. p. 274, 309.]

<sup>67</sup> Madox, Hist. of the Exch. p. 295]

<sup>68</sup> Madox, Hist. of the Exch. p. 295.]

<sup>69</sup> Madox, Hist. of the Exch. p. 296.

<sup>70</sup> He paid two hundred marks, a great sum in those days.]

<sup>71</sup> Madox, Hist. of the Exch. p. 296.]

<sup>72</sup> Madox, Hist. of the Exch. p. 298.]

<sup>73</sup> Madox, Hist. of the Exch. p. 302.]

<sup>74</sup> Madox, Hist. of the Exch. chap. xii.]

<sup>75</sup> Madox, Hist. of the Exch. p. 311.]

<sup>76</sup> Madox, Hist. of the Exch. p. 311.]

<sup>77</sup> Madox, Hist. of the Exch. p. 79, 312.]

<sup>78</sup> Madox, Hist. of the Exch. p. 312.]

As the king assumed the entire power over trade, he was to be paid for a permission to exercise commerce or industry of any kind.<sup>79</sup> Hugh Oisel paid four hundred marks for liberty to trade in England.<sup>80</sup> Nigel de Havene gave fifty marks for the partnership in merchandise which he had with Gervase de Hanton.<sup>81</sup> the men of Worcester paid one hundred shillings, that they might have the liberty of selling and buying dyed cloth, as formerly;<sup>82</sup> several other towns paid for a like liberty.<sup>83</sup> The commerce indeed of the kingdom was so much under the control of the king, that he erected guilds, corporations, and monopolies wherever he pleased; and levied sums for these exclusive privileges.<sup>84</sup>

There were no profits so small as to be below the king's attention. Henry, son of Arthur, gave ten dogs, to have a recognition against the countess of Copland for one knight's fee.<sup>85</sup> Roger, son of Nicholas, gave twenty lampreys and twenty shads for an inquest to find whether Gilbert,

son of Alured, gave to Roger two hundred muttons to obtain his confirmation for certain lands, or whether Roger took them from him by violence;<sup>86</sup> Geoffrey Fitz-Pierre, the chief justiciary, gave two good Norway hawks, that Walter le Madine might have leave to export a hundred weight of cheese out of the king's dominions.<sup>87</sup>

It is really amusing to remark the strange business in which the king sometimes interfered, and never without a present; the wife of Hugh de Nevile gave the king two hundred hens, that she might lie with her husband one night;<sup>88</sup> and she brought with her two sureties, who answered each for a hundred hens.

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<sup>79</sup> Madox, Hist. of the Exch. p. 323.]

<sup>80</sup> Madox, Hist. of the Exch. p. 323.]

<sup>81</sup> Madox, Hist. of the Exch. p. 323.]

<sup>82</sup> Madox, Hist. of the Exch. p. 324.]

<sup>83</sup> Madox, Hist. of the Exch. p. 232, 233, etc.]

<sup>84</sup> Madox, Hist. of the Exch. p. 298.]

<sup>85</sup> Madox, Hist. of the Exch. p. 305.]

<sup>86</sup>: Madox, Hist. of the Exch. p. 325.]

<sup>87</sup>: Madox, Hist. of the Exch. p. 326 ]

<sup>88</sup>: Madox, Hist. of the Exch. p 326]

It is probable that her husband was a prisoner, which debarred her from having access to him. The abbot of Rucford paid ten marks for leave to erect houses and place men upon his land near Welhang, in order to secure his wood there from being stolen; Hugh, archdeacon of Wells, gave one tun of wine for leave to carry six hundred summs of corn whither he would; Peter de Perariis gave twenty marks for leave to salt fishes as Peter Chevalier used to do.

It was usual to pay high fines, in order to gain the king's good will or mitigate his anger. In the reign of Henry II., Gilbert, the son of Fergus, fines in nine hundred and nineteen pounds nine shillings, to obtain that



prince's favor; William de Chataignes, a thousand marks, that he would remit his displeasure. In the reign of Henry III., the city of London fines in no less a sum than twenty thousand pounds on the same account.

The king's protection and good offices of every kind were bought and sold. Robert Grislet paid twenty marks of silver, that the king would help him against the earl of Mortaigne in a certain plea; Robert de Cundet gave thirty marks of silver, that the king would bring him to an accord with the bishop of Lincoln; Ralph de Bréckham gave a hawk, that the king would protect him; and this is a very frequent reason for payments; John, son of Ordgar, gave a Norway hawk, to have the king's request to the king of Norway to let him have his brother Godard's chattels; Richard de Neville gave twenty palfreys to obtain the king's request to Isolda Bisset, that she should take him for a husband; Roger Fitz-Walter gave three good palfreys to have the king's letter to Roger Bertram's mother, that she should marry him; Eling the dean paid one hundred marks, that his whore and his children might be let out upon bail; the bishop of Winchester gave one tun of good wine for his not putting the king in mind to give a girdle to the countess of Albemarle; Robert de Veaux gave five of the best palfreys, that the king would hold his tongue about Henry Pinel's wife. There are in the records of exchequer many other singular instances of a like nature.<sup>89</sup> It will, however, be just to remark, that the same ridiculous practices and dangerous abuses prevailed in Normandy, and probably in all the other states of Europe.<sup>90</sup> England was not in this respect more barbarous than its neighbors.

These iniquitous practices of the Norman kings were so well known, that, on the death of Hugh Bigod, in the reign of Henry II., the best and most just of these princes, the eldest son and the widow of this nobleman came to court, and strove, by offering large presents to the king, each of them to acquire possession of that rich inheritance. The king was so equitable as to order the cause to be tried by the great council! But, in the mean time, he seized all the money and treasure of the deceased,<sup>91</sup> Peter, of Blois, a judicious, and even an elegant writer, for that age, gives a pathetic description of the reign of Henry; and he scruples not to complain to the king himself of these abuses.<sup>92</sup>

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<sup>89</sup>..... We shall gratify the reader's curiosity by subjoining a few more instances from Madox, p. 332. Hugh Oisel was to give the king two robes of a good green color, to have the king's letters patent to the merchants of Flanders with a request to render him one thousand marks, which he lost in Flanders. The abbot of Hyde paid thirty marks, to have the king's letters of request to the archbishop of Canterbury, to remove certain monks that were against the abbot. Roger de Trihanton paid twenty marks and a palfrey, to have the king's request to Richard de Umfreville to give him his sister to wife, and to the sister that she would accept of him for a husband; William de Cheveringworth paid five marks, to have the king's letter to the abbot of Perfore, to let him enjoy peaceably his tithes as formerly; Matthew de Hereford, clerk, paid ten marks for a letter of request to the bishop of Llandaff, to let him enjoy peaceably his church of Schenfrith; Andrew Neuhm gave three Flemish caps, for the king's request to the prior of Chikesand, for performance of an agreement made between them; Henry de Fontibus gave a Lombardy horse of value, to have the king's request to Henry Fitz-Hervey, that he would give him his daughter to wife; Roger, son of Nicholas, promised all the lampreys he could get, to have the king's request to Earl William Mareschal, that he would grant him the manor of Langeford at Ferm. The burgesses of Gloucester promised three hundred lampreys, that they might not be distrained to find the prisoners of Poitou with necessaries, unless they pleased. Madox, p. 352. Jordan, sen of Reginald, paid twenty marks, to have the king's request to William Panier, that he would grant him the land of Mill Nierenuit, and the custody of his heirs; and if Jordan obtained the same, he was to pay the twenty marks, otherwise not. Madox, p. 333,]

<sup>90</sup>..... Madox, Hist. of the Exch. p, 359.]

<sup>91</sup>..... Benedict. Abbas, p. 180, 181.]

<sup>92</sup>..... Petri Bless. Epist. 95, apud Bibl. Patrum, tom. 24, p. 2014.]

We may judge what the case would be under the government of worse princes. The articles of inquiry concerning the conduct of sheriffs, which Henry promulgated in 1170, show the great power as well as the licentiousness of these officers.<sup>93</sup>.....

Amerciaments or fines for crimes and trespasses were an ether considerable branch of the royal revenue.<sup>94</sup>..... Most crimes were atoned for by money; the fines imposed were not limited by any rule or statute; and frequently occasioned the total ruin of the person, even for the slightest trespasses. The forest laws, particularly, were a great source of oppression

The king possessed sixty-eight forests, thirteen chases, and seven hundred and eighty-one parks, in different parts of England;<sup>95</sup> and, considering the extreme passion of the English and Normans for hunting, these were so many snares laid for the people, by which they were allured into trespasses and brought within the reach of arbitrary and rigorous laws, which the king had thought proper to enact by his own authority.

But the most barefaced acts of tyranny and oppression were practised against the Jews, who were entirely out of the protection of law, were extremely odious from the bigotry of the people, and were abandoned to the immeasurable rapacity of the king and his ministers. Besides many other indignities to which they were continually exposed, it appears that they were once all thrown into prison, and the sum of sixty-six thousand marks exacted for their liberty:<sup>96</sup> at another time, Isaac the Jew paid, alone, five thousand one hundred marks;<sup>97</sup> Brim, three thousand marks;<sup>98</sup> Jurnet, two thousand; Bennet, five hundred: at another, Licorica, widow of David the Jew, of Oxford, was required to pay six thousand marks; and she was delivered over to six of the richest and discreetest Jews in England, who were to answer for the sum.<sup>99</sup>

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<sup>93</sup> Hoveden, Chron. Gerv. p. 1410.]

<sup>94</sup> Madox, chap. xiv.]

<sup>95</sup> Spel. Gloss, in verbo Forests.]

<sup>96</sup> happened in the reign of King John.]

<sup>97</sup> Madox, Hist. of the Exch, p. 151]

<sup>98</sup> Madox, Hist. of the Exch, p. 153.]

<sup>99</sup> Madox, Hist. of the Exch, p, 168.]

Henry III borrowed five thousand marks from the earl of Cornwall; and for his repayment consigned over to him all the Jews in England. The revenue arising from exactions upon this nation was so considerable, that there was a particular court of exchequer set apart for managing it.

We may judge concerning the low state of commerce among the English, when the Jews, notwithstanding these oppressions, could still

find their account in trading among them, and lending them money. And as the improvements of agriculture were also much checked by the immense possessions of the nobility, by the disorders of the times, and by the precarious state of feudal property, it appears that industry of no kind could then have place in the kingdom.

It is asserted by Sir Harry Spelman,<sup>100</sup> as an undoubted truth, that, during the reigns of the first Norman princes, every edict of the king, issued with the consent of his privy council, had the full force of law. But the barons surely were not so passive as to intrust a power, entirely arbitrary and despotic, into the hands of the sovereign. It only appears, that the constitution had not fixed any precise boundaries to the royal power; that the right of issuing proclamations on any emergence, and of exacting obedience to them,—a right which was always supposed inherent in the crown,—is very difficult to be distinguished from a legislative authority; that the extreme imperfection of the ancient laws, and the sudden exigencies which often occurred in such turbulent governments, obliged the prince to exert frequently the latent powers of his prerogative; that he naturally proceeded, from the acquiescence of the people, to assume, in many particulars of moment, an authority from which he had excluded himself by express statutes, charters, or concessions, and which was, in the main, repugnant to the general genius of the constitution; and that the lives; the personal liberty, and the properties of all his subjects were less secured by law against the exertion of his arbitrary authority than by the independent power and private connections of each individual.

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<sup>100</sup> We learn from the extracts given us of Domesday by Brady in his Treatise of Boroughs, that almost all the boroughs of England had suffered in the shock of the conquest, and had extremely decayed between the death of the Confessor and the time when Domesday was framed. \* Gross. in verb. *Justicium Dei*. The author of the *Miroir des Justices* complains that ordinances are only made by the king and his clerks, and by aliens and others, who dare not contradict the king, but study to please him. Whence, he concludes, laws are oftener dictated by will than founded on right.]

It appears from the Great Charter itself, that not only John, a tyrannical prince, and Richard, a violent one, but their father, Henry, under whose

reign the prevalence of gross abuses is the least to be suspected, were accustomed, from their sole authority, without process of law, to imprison, banish, and attain the freemen of their kingdom.

A great baron, in ancient times, considered himself as a kind of sovereign within his territory; and was attended by courtiers and dependants more zealously attached to him than the ministers of state and the great officers were commonly o their sovereign. He often maintained in his court the parade of royalty, by establishing a justiciary, constable, mareschal, chamberlain, seneschal, and chancellor, and assigning to each of these officers a separate province and command He was usually very assiduous in exercising his jurisdiction, and took such delight in that image of sovereignty, that it was found necessary to restrain his activity, and prohibit him by law from holding courts too frequently.<sup>101</sup> It is not to be doubted but the example set him by the prince, of a mercenary and sordid extortion, would be faithfully copied; and that all his good and bad offices, his justice and injustice, were equally put to sale. He had the power, with the king's consent, to exact talliages even from the free citizens who lived within his barony; and as his necessities made him rapacious, his authority was usually found to be more oppressive and tyrannical than that of the sovereign.<sup>102</sup> He was ever engaged in hereditary or personal animosities or confederacies with his neighbors, and often gave protection to all desperate adventurers and criminals, who could be useful in serving his violent purposes. He was able alone, in times of tranquillity, to obstruct the execution of justice within his territories; and by combining with a few malecontent barons of high rank and power, he could throw the state into convulsions. And, on the whole, though the royal authority was confined within bounds, and often within very narrow ones, yet the check was Irregular, and frequently the source of great disorders; nor was it derived from the liberty of the people, but from the military power of many petty tyrants, who were equally dangerous to the prince and oppressive to the subject.

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<sup>101</sup>..... Dugd. Jurid. Orig. p. 26.]

<sup>102</sup>..... Madox, Hist. of the Exch. p. 520.]

The power of the church was another rampart against royal authority; but this defence was also the cause of many mischiefs and inconveniencies. The dignified clergy, perhaps, were not so prone to immediate violence as the barons; but as they pretended to a total independence on the state, and could always cover themselves with the appearances of religion, they proved, in one respect, an obstruction to the settlement of the kingdom, and to the regular execution of the laws. The policy of the Conqueror was in this particular liable to some exception. He augmented the superstitious veneration for Rome, to which that age was so much inclined, and he broke those bands of connection which, in the Saxon times, had preserved a union between the lay and the clerical orders. He prohibited the bishops from sitting in the county courts; he allowed ecclesiastical causes to be tried in spiritual courts only;<sup>103</sup> and he so much exalted the power of the clergy, that of sixty thousand two hundred and fifteen knights' fees, into which he divided England, he placed no less than twenty-eight thousand and fifteen under the church.<sup>104</sup>

The right of primogeniture was introduced with the feudal law; an institution which is hurtful by producing and maintaining an unequal division of private property; but is advantageous in another respect, by accustoming the people to a preference in favor of the eldest son, and thereby preventing a partition or disputed succession in the monarchy. The Normans introduced the use of surnames, which tend to preserve the knowledge of families and pedigrees. They abolished none of the old, absurd methods of trial by the cross or ordeal; and they added a new absurdity—the trial by single combat—<sup>105</sup> which became a regular part of jurisprudence, and was conducted with all the order, method, devotion, and solemnity imaginable.<sup>106</sup> The ideas of chivalry also seem to have been imported by the Normans: no traces of those fantastic notions are to be found among the plain and rustic Saxons.

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<sup>103</sup> Char. Will, apud Wilkms, p. 230. Spel. Concil. vol. ii p. 14.]

<sup>104</sup> Spel. Gloss, in verb. Manus mortua. We are not to imagine, as some have done, that the church possessed lands in this proportion, but only that they and their vassals enjoyed such a proportionable part of the landed property.]

<sup>105</sup> LL. Will. cap. 68.]

<sup>106</sup> Spel. Gloss, in verbo Campus. The last instance of these duels was in the 16th of Eliz. So long did that absurdity remain.]

The feudal institutions, by raising the military tenants to a kind of sovereign dignity, by rendering personal strength and valor requisite, and by making every knight and baron his own protector and avenger, begat that martial pride and sense of honor which, being cultivated and embellished by the poets and romance writers of the age, ended in chivalry. The virtuous knight fought not only in his own quarrel, but in that of the innocent, of the helpless, and, above all, of the fair, whom he supposed to be forever under the guardianship of his valiant arm. The uncourteous knight who, from his castle, exercised robbery on travellers, and committed violence on virgins, was the object of his perpetual indignation; and he put him to death, without scruple, or trial, or appeal, wherever he met with him. The great independence of men made personal honor and fidelity the chief tie among them, and rendered it the capital virtue of every true knight, or genuine professor of chivalry. The solemnities of single combat, as established by law, banished the notion of every thing unfair or unequal in rencounters, and maintained an appearance of courtesy between the combatants till the moment of their engagement. The credulity of the age grafted on this stock the notion of giants, enchanters, dragons, spells,<sup>107</sup> and a thousand wonders, which still multiplied during the times of the crusades; when men, returning from so great a distance, used the liberty of imposing every fiction on their believing audience. These ideas of chivalry infected the writings, conversation, and behavior of men, during some ages; and even after they were, in a great measure, banished by the revival of learning, they left modern gallantry and the point of honor, which still maintain their influence, and are the genuine off-spring of those ancient affectations.

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<sup>107</sup> In all legal single combats, it was part of the champion's oath, that he carried not about him any herb, spell, or enchantment, by which he might procure victory. Dugd. Orig. Jurid. p. 82.]

The concession of the Great Charter, or rather its full establishment, (for there was a considerable interval of time between the one and the other,) gave rise, by degrees, to a new species of government, and introduced some order and justice into the administration. The ensuing scenes of our history are therefore somewhat different from the preceding. Yet the Great Charter contained no establishment of new courts magistrates, or senates, nor abolition of the old. It introduced no new distribution of the powers of the common-wealth, and no innovation in the political or public law of the kingdom. It only guarded, and that merely by verbal clauses, against such tyrannical practices as are incompatible with civilized government, and, if they become very frequent, are incompatible with all government. The barbarous license of the kings, and perhaps of the nobles, was thenceforth somewhat more restrained: men acquired some more security for their properties and their liberties; and government approached a little nearer to that end for which it was originally instituted—the distribution of justice, and the equal protection of the citizens. Acts of violence and iniquity in the crown, which before were only deemed injurious to individuals, and were hazardous chiefly in proportion to the number, power, and dignity of the persons affected by them, were now regarded, in some degree, as public injuries, and as infringements of a charter calculated for general security. And thus the establishment of the Great Charter, without seeming anywise to innovate in the distribution of political power, became a kind of epoch in the constitution.



## CHAPTER 12.



### HENRY III.

Most sciences, in proportion as they increase and improve, invent <sup>1216</sup> methods by which they facilitate their reasonings, and, employing general theorems, are enabled to comprehend, in a few propositions, a great number of inferences and conclusions. History, also, being a collection of facts which are multiplying without end, is obliged to adopt such arts of abridgment, to retain the more material events, and to drop all the minute circumstances, which are only interesting during the time, or to the persons engaged in the transactions. This truth is nowhere more evident than with regard to the reign upon which we are going to enter. What mortal could have the patience to write or read a long detail of such frivolous events as those with which it is filled, or attend to a tedious narrative which would follow, through a series of fifty-six years, the caprices and weaknesses of so mean a prince as Henry? The chief reason why Protestant writers have been so anxious to spread out the incidents of this reign, is in order to expose the rapacity, ambition, and artifices of the court of Rome, and to prove, that the great dignitaries of the Catholic church, while they pretended to have nothing in view but the salvation of souls, had bent all their attention to the acquisition of riches, and were restrained by no sense of justice or of honor in the pursuit of that great object.<sup>1</sup> But this conclusion would readily be allowed them, though it were not illustrated by such a detail of uninteresting incidents; and follows indeed, by an evident necessity, from the very situation in which that church was placed with regard to the rest of Europe. For, besides that ecclesiastical power, as it can always cover its operations under a cloak of sanctity, and attacks men on the side where they dare not employ their reason, lies less under control than civil government; besides this general cause, I say, the pope and his courtiers were foreigners to most of the churches which they governed; they could not possibly have any other object than to pillage the provinces for present gain; and as they lived at a distance, they would be little awed by shame or remorse in employing

every lucrative expedient which was suggested to them. England being one of the most remote provinces attached to the Romish hierarchy, as well as the most prone to superstition, felt severely, during this reign, while its patience was not yet fully exhausted, the influence of these causes, and we shall often have occasion to touch cursorily upon such incidents. But we shall not attempt to comprehend every transaction transmitted to us: and till the end of the reign, when the events become more memorable, we shall not always observe an exact chronological order in our narration.

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<sup>1</sup> M. Paris, p. 623.

The earl of Pembroke, who at the time of John's death, was mareschal of England, was, by his office, at the head of the armies, and consequently, during a state of civil wars and convulsions, at the head of the government; and it happened, fortunately for the young monarch and for the nation, that the power could not have been intrusted into more able and more faithful hands. This nobleman, who had maintained his loyalty unshaken to John during the lowest fortune of that monarch, determined to support the authority of the infant prince; nor was he dismayed at the number and violence of his enemies. Sensible that Henry, agreeably to the prejudices of the times, would not be deemed a sovereign till crowned and anointed by a churchman, he immediately carried the young prince to Gloucester, where the ceremony of coronation was performed, in the presence of Gualo, the legate, and of a few noblemen, by the bishops of Winchester and Bath.<sup>2</sup> As the concurrence of the papal authority was requisite to support the tottering throne, Henry was obliged to swear fealty to the pope, and renew that homage to which his father had already subjected the kingdom:<sup>3</sup> and in order to enlarge the authority of Pembroke, and to give him a more regular and legal title to it, a general council of the barons was soon after summoned at Bristol, where that nobleman was chosen protector of the realm.

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<sup>2</sup> M. Paris, p. 290. Hist Croyl. Cont. p. 474. W. Heming. p. 562. Privet, p. 168.

Pembroke, that he might reconcile all men to the government of his pupil, made him grant a new charter of liberties, which, though mostly copied from the former concessions extorted from John, contains some alterations which may be deemed remarkable.<sup>4</sup> The full privilege of elections in the clergy, granted by the late king, was not confirmed, nor the liberty of going out of the kingdom without the royal consent: whence we may conclude, that Pembroke and the barons, jealous of the ecclesiastical power, both were desirous of renewing the king's claim to issue a *congé d'élire* to the monks and chapters, and thought it requisite to put some check to the frequent appeals to Rome. But what may chiefly surprise us is, that the obligation to which John had subjected himself, of obtaining the consent of the great council before he levied any aids or scutages upon the nation, was omitted; and this article was even declared hard and severe, and was expressly left to future deliberation. But we must consider, that, though this limitation may perhaps appear to us the most momentous in the whole charter of John, it was not regarded in that light by the ancient barons, who were more jealous in guarding against particular acts of violence in the crown than against such general impositions which, unless they were evidently reasonable and necessary, could scarcely, without general consent, be levied upon men who had arms in their hands, and who could repel any act of oppression by which they were all immediately affected. We accordingly find, that Henry, in the course of his reign, while he gave frequent occasions for complaint with regard to his violations of the Great Charter, never attempted, by his own will, to levy any aids or scutages, though he was often reduced to great necessities, and was refused supply by his people.

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<sup>4</sup> Rymer, vol. i. p. 215.

So much easier was it for him to transgress the law, when individuals alone were affected, than even to exert his acknowledged prerogatives, where the interest of the whole body was concerned.

This charter was again confirmed by the king in the ensuing year, with the addition of some articles to prevent the oppressions by sheriffs; and also with an additional charter of forests, a circumstance of great moment in those ages, when hunting was so much the occupation of the nobility, and when the king comprehended so considerable a part of the kingdom within his forests, which he governed by peculiar and arbitrary laws. All the forests, which had been enclosed since the reign of Henry II., were disafforested, and new perambulations were appointed for that purpose; offences in the forests were declared to be no longer capital, but punishable by fine, imprisonment, and more gentle penalties; and all the proprietors of land recovered the power of cutting and using their own wood at their pleasure.

Thus these famous charters were brought nearly to the shape in which they have ever since stood; and they were, during many generations, the peculiar favorites of the English nation, and esteemed the most sacred rampart to national liberty and independence. As they secured the rights of all orders of men, they were anxiously defended by all, and became the basis, in a manner, of the English monarchy, and a kind of original contract which both limited the authority of the king and insured the conditional allegiance of his subjects. Though often violated, they were still claimed by the nobility and people; and as no precedents were supposed valid that infringed them, they rather acquired than lost authority, from the frequent attempts made against them in several ages by regal and arbitrary power.

While Pembroke, by renewing and confirming the Great Charter, gave so much satisfaction and security to the nation in general, he also applied himself successfully to individuals; he wrote letters, in the king's name, to all the malcontent barons; in which he represented to them that, whatever jealousy and animosity they might have entertained against the late king, a young prince, the lineal heir of their ancient monarchs, had now succeeded to the throne, without succeeding either to the resentments or principles of his predecessor; that the desperate expedient, which they had employed, of calling in a foreign potentate, had, happily for them as well as for the nation, failed of entire success, and it was still in their power, by a speedy return to their duty, to restore the independence of the kingdom, and to

secure that liberty for which they so zealously contended; that as all past offences of the barons were now buried in oblivion, they ought, on their part, to forget their complaints against their late sovereign, who, if he had been anywise blamable in his conduct had left to his son the salutary warning, to avoid the paths which had led to such fatal extremities: and that having now obtained a charter for their liberties, it was their interest to show, by their conduct, that this acquisition was not incompatible with their allegiance, and that the rights of king and people, so far from being hostile and opposite, might mutually support and sustain each other.<sup>5</sup>

These considerations, enforced by the character of honor and constancy which Pembroke had ever maintained, had a mighty influence on the barons; and most of them began secretly to negotiate with him, and many of them openly returned to their duty. The diffidence which Lewis discovered of their fidelity, forwarded this general propension towards the king; and when the French prince refused the government of the castle of Hertford to Robert Fitz-Walter, who had been so active against the late king, and who claimed that fortress as his property, they plainly saw that the English were excluded from every trust, and that foreigners had engrossed all the confidence and affection of their new sovereign.<sup>6</sup> The excommunication, too, denounced by the legate against all the adherents of Lewis, failed not, in the turn which men's dispositions had taken, to produce a mighty effect upon them; and they were easily persuaded to consider a cause as impious, for which they had already entertained an unsurmountable aversion.<sup>7</sup> Though Lewis made a journey to France, and brought over succors from that kingdom <sup>8</sup> he found, on his return, that his party was still more weakened by the desertion of his English confederates, and that the death of John had, contrary to his expectations, given an incurable wound to his cause. The earls of Salisbury Arundel, and Warrenne, together with William Mareschal, eldest son of the protector, had embraced Henry's party; and every English nobleman was plainly watching for an opportunity of returning to his allegiance.

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<sup>5</sup> Rymer, vol. i. p. 215. Brady's App. No. 143.

<sup>6</sup> M. Paris, p. 200, 202.

<sup>7</sup> Ibid. p. 200 M. West, p. 277

Pembroke was so much strengthened by these accessions, that he ventured to invest Mount Sorel; though, upon the approach of the count of Perche with the French army, he desisted from his enterprise, and raised the siege.<sup>9</sup> The count, elated with this success, marched to Lincoln; and being admitted into the town, he began to attack the castle, which he soon reduced to extremity. The protector summoned all his forces from every quarter, in order to relieve a place of such importance; and he appeared so much superior to the French, that they shut themselves up within the city, and resolved to act upon the defensive.<sup>10</sup> But the garrison of the castle, having received a strong reënforcement, made a vigorous sally upon the besiegers; while the English army, by concert, assaulted them in the same instant from without, mounted the walls by scalade, and bearing down all resistance, entered the city sword in hand. Lincoln was delivered over to be pillaged; the French army was totally routed; the count de Perche, with only two persons more, was killed, but many of the chief commanders, and about four hundred knights, were made prisoners by the English.<sup>11</sup> So little blood was shed in this important action, which decided the fate of one of the most powerful kingdoms in Europe; and such wretched soldiers were those ancient barons, who yet were unacquainted with every thing but arms!

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<sup>9</sup> M. Paris, p. 203

<sup>10</sup> Chron. Dunst vol. i. p. 81.

<sup>11</sup> M. Paris, p. 204, 205.

<sup>12</sup> Chron. de Mailr. p. 195.

Prince Lewis was informed of this fatal event while employed in the siege of Dover, which was still valiantly defended against him by Hubert de Burgh. He immediately retreated to London, the centre and life of his party; and he there received intelligence of a new disaster, which put an end to all his hopes. A French fleet, bringing over a strong, reënforcement,

had appeared on the coast of Kent; where they were attacked by the English under the command of Philip d'Albiny, and were routed with considerable loss. D'Albiny employed a stratagem against them, which is said to have contributed to the victory: having gained the wind of the French, he came down upon them with violence; and throwing in their faces a great quantity of quick lime, which he purposely carried on board, he so blinded them, that they were disabled from defending themselves.<sup>12</sup>.....

After this second misfortune of the French, the English barons hastened every where to make peace with the protector, and, by an early submission, to prevent those attainders to which they were exposed on account of their rebellion. Lewis, whose cause was now totally desperate, began to be anxious for the safety of his person, and was glad, on any honorable conditions, to make his escape from a country where he found every thing was now become hostile to him. He concluded a peace with Pembroke, promised to evacuate the kingdom, and only stipulated in return an indemnity to his adherents, and a restitution of their honors and fortunes, together with the free and equal enjoyment of those liberties which had been granted to the rest of the nation.<sup>13</sup> Thus was happily ended a civil war which seemed to be founded on the most incurable hatred and jealousy, and had threatened the kingdom with the most fatal consequences.

The precautions which the king of France used in the conduct of this whole affair are remarkable. He pretended that his son had accepted of the offer from the English barons without his advice, and contrary to his inclination: the armies sent to England were levied in Lewis's name: when that prince came over to France for aid, his father publicly refused to grant him any assistance, and would not so much as admit him to his presence: even after Henry's party acquired the ascendant, and Lewis was in danger of falling into the hands of his enemies, it was Blanche of Castile his wife, not the king his father, who raised armies and equipped fleets for his succor.<sup>14</sup>.....

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<sup>13</sup>..... M. Paris, p. 206. Ann. Waverl. p. 183. W. Heming. p. 563. Trivet, p. 109. M. West. p. 277. Knyghton, p. 2428.



<sup>14</sup>..... Rhymer, vol. i. p. 221. M. Paris, p. 207. Chron. Dunst. vol. i. p. 83. M. West. p. 278. Knyghton, p. 2429.

<sup>15</sup>..... M, Paris, p. 256. Chron. Dunst, vol. i. p. 82.

All these artifices were employed, not to satisfy the pope; for he had too much penetration to be so easily imposed on: nor yet to deceive the people; for they were too gross even for that purpose: they only served for a coloring to Philip's cause; and in public affairs men are often better pleased that the truth, though known to every body, should be wrapped up under a decent cover, than if it were exposed in open daylight to the eyes of all the world.

After the expulsion of the French, the prudence and equity of the protector's subsequent conduct contributed to cure entirely those wounds which had been made by intestine discord. He received the rebellious barons into favor; observed strictly the terms of peace which he had granted them; restored them to their possessions; and endeavored, by an equal behavior, to bury all past animosities in perpetual oblivion. The clergy alone, who had adhered to Lewis, were sufferers in this revolution. As they had rebelled against their spiritual sovereign, by disregarding the interdict and excommunication, it was not in Pembroke's power to make any stipulations in their favor; and Gualo, the legate, prepared to take vengeance on them for their disobedience.<sup>15</sup> Many of them were deposed; many suspended; some banished; and all who escaped punishment made atonement for their offence, by paying large sums to the legate, who amassed an immense treasure by this expedient.

The earl of Pembroke did not long survive the pacification, which had been chiefly owing to his wisdom and valor;<sup>16</sup> and he was succeeded in the government by Peter des Roches, bishop of Winchester, and Hubert de Burgh, the justiciary. The counsels of the latter were chiefly followed; and had he possessed equal authority in the kingdom with Pembroke, he seemed to be every way worthy of filling the place of that virtuous nobleman. But the licentious and powerful barons, who had once broken the reins of subjection to their prince, and had obtained by violence an enlargement of their liberties and independence, could ill be restrained by laws under a minority; and the people, no less than the king, suffered from

their outrages and disorders. They retained by force the royal castles, which they had seized during the past convulsions, or which had been committed to their custody by the protector;<sup>17</sup> they usurped the king's demesnes;<sup>18</sup> they oppressed their vassals; they infested their weaker neighbors; they invited all disorderly people to enter in their retinue, and to live upon their lands; and they gave them protection in all their robberies and extortions.

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<sup>16</sup> Brady's App. No. 144. Chron. Dunst. vol. i. p. 83.

<sup>17</sup> M. Paris, p. 210. \* Trivet, p. 174

<sup>18</sup> Rymer, vol. i. p. 276.

No one was more infamous for these violent and illegal practices than the earl of Albemarle; who, though he had early returned to his duty, and had been serviceable in expelling the French, augmented to the utmost the general disorder, and committed outrages in all the counties of the north. In order to reduce him to obedience, Hubert seized an opportunity of getting possession of Rockingham Castle, which Albemarle had garrisoned with his licentious retinue: but this nobleman, instead of submitting, entered into a secret confederacy with Fawkes de Breauté, Peter de Mauleon, and other barons, and both fortified the Castle of Biham for his defence, and made himself master by surprise of that of Fotheringay. Pandulf, who was restored to his legateship, was active in suppressing this rebellion; and with the concurrence of eleven bishops, he pronounced the sentence of excommunication against Albemarle and his adherents:<sup>19</sup> an army was levied: a scutage of ten shillings a knight's fee was imposed on all the military tenants. Albemarle's associates gradually deserted him; and he himself was obliged at last to sue for mercy. He received a pardon, and was restored to his whole estate.

This impolitic lenity, too frequent in those times, was probably the result of a secret combination among the barons, who never could endure to see the total ruin of one of their own order: but it encouraged Fawkes de Breauté, a man whom King John had raised from a low origin, to persevere in the course of violence to which he had owed his fortune and to set at

nought all law and justice. When thirty-five verdicts were at one time found against him, on account of his violent expulsion of so many freeholders from their possessions, he came to the court of justice with an armed force, seized the judge who had pronounced the verdicts, and imprisoned him in Bedford Castle. He then levied open war against the king; but being subdued and taken prisoner, his life was granted him; but his estate was confiscated, and he was banished the kingdom.<sup>20</sup>

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<sup>19</sup> Chron. Dunst. vol. i. p. 102.

<sup>20</sup> Rymer, vol. i. p. 198. M. Paris, p. 221, 224. Ann. Waverl p. 188, Chron. Dunst vol. i. p. 141, 146. M. West, p. 283.

Justice was executed with greater severity against disorders less *1222*. premeditated, which broke out in London. A frivolous emulation in a match of wrestling, between the Londoners on the one hand, and the inhabitants of Westminster and those of the neighboring villages on the other, occasioned this commotion. The former rose in a body, and pulled down some houses belonging to the abbot of Westminster: but this riot, which, considering the tumultuous disposition familiar to that capital, would have been little regarded, seemed to become more serious by the symptoms which then appeared of the former attachment of the citizens to the French interest. The populace, in the tumult, made use of the cry of war commonly employed by the French troops: "Mountjoy, Mountjoy, God help us and our lord Lewis." The justiciary made inquiry into the disorder; and finding one Constantine Fitz-Arnulf to have been the ring-leader, an insolent man, who justified his crime in Hubert's presence, he proceeded against him by martial law, and ordered him immediately to be hanged, without trial or form of process. He also cut off the feet of some of Constantine's accomplices.<sup>21</sup>

This act of power was complained of as an infringement of the Great Charter: yet the justiciary, in a parliament summoned at Oxford, (for the great councils about this time began to receive that appellation,) made no scruple to grant in the king's name a renewal and confirmation of that charter. When the assembly made application to the crown for this favor,—

as a law in those times seemed to lose its validity if not frequently renewed,—William de Briewere, one of the council of regency, was so bold as to say openly, that those liberties were extorted by force, and ought not to be observed: but he was reprimanded by the archbishop of Canterbury, and was not countenanced by the king or his chief ministers.<sup>22</sup> A new confirmation was demanded and granted two years after; and an aid, amounting to a fifteenth of all movables, was given by the parliament, in return for this indulgence. The king issued writs anew to the sheriffs, enjoining the observance of the charter; but he inserted a remarkable clause in the writs, that those who paid not the fifteenth should not for the future be entitled to the benefit of those liberties.<sup>23</sup>

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<sup>21</sup> M. Paris, p. 217, 218, 259. Ann. Waverl. p. 187. Chron. Dunst. vol. i. p. 129.

<sup>22</sup> M. West. p. 282.

<sup>23</sup> Clause ix. H. 3, m. 9, and m. 6, d.

The low state into which the crown was fallen, made it requisite for a good minister to be attentive to the preservation of the royal prerogatives, as well as to the security of public liberty. Hubert applied to the pope, who had always great authority in the kingdom, and was now considered as its superior lord, and desired him to issue a bull, declaring the king to be of full age, and entitled to exercise in person all the acts of royalty.<sup>24</sup> In consequence of this declaration, the justiciary resigned into Henry's hands the two important fortresses of the Tower and Dover Castle, which had been intrusted to his custody; and he required the other barons to imitate his example. They refused compliance: the earls of Chester and Albemarle, John Constable of Chester, John de Lacy, Brian de l'Isle, and William de Cantel, with some others, even formed a conspiracy to surprise London, and met in arms at Waltham with that intention: but finding the king prepared for defence, they desisted from their enterprise. When summoned to court in order to answer for their conduct, they scrupled not to appear, and to confess the design: but they told the king that they had no bad intentions against his person, but only against Hubert de Burgh,

whom they were determined to remove from his office.<sup>25</sup> They appeared too formidable to be chastised; and they were so little discouraged by the failure of their first enterprise, that they again met in arms at Leicester, in order to seize the king, who then resided at Northampton: but Henry, informed of their purpose, took care to be so well armed and attended, that the barons found it dangerous to make the attempt; and they sat down and kept Christmas in his neighborhood.<sup>26</sup> The archbishop and the prelates, finding every thing tend towards a civil war, interposed with their authority, and threatened the barons with the sentence of excommunication, if they persisted in detaining the king's castles. This menace at last prevailed: most of the fortresses were surrendered; though the barons complained that Hubert's castles were soon after restored to him, while the king still kept theirs in his own custody. There are said to have been one thousand one hundred and fifteen castles at that time in England.<sup>27</sup>

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<sup>24</sup> M. Paris, p. 220.

<sup>25</sup> Chron. Dunst. vol. i. p. 137.

<sup>26</sup> M. Paris, p. 221. Chron. Dunst. vol. i. p. 138.

<sup>27</sup> Coke's Comment on Magna Charta, chap. 17.

It must be acknowledged that the influence of the prelates and the clergy was often of great service to the public.

Though the religion of that age can merit no better name than that of superstition, it served to unite together a body of men who had great sway over the people, and who kept the community from falling to pieces, by the factions and independent power of the nobles. And what was of great importance, it threw a mighty authority into the hands of men, who by their profession were averse to arms and violence, who tempered by their mediation the general disposition towards military enterprises; and who still maintained, even amidst the shock of arms, those secret links, without which it is impossible for human society to subsist.

Notwithstanding these intestine commotions in England, and the precarious authority of the crown, Henry was obliged to carry on war in France; and he employed to that purpose the fifteenth which had been granted him by parliament. Lewis VIII., who had succeeded to his father Philip, instead of complying with Henry's claim, who demanded the restitution of Normandy and the other provinces wrested from England, made an irruption into Poictou, took Rochelle<sup>28</sup> after a long siege, and seemed determined to expel the English from the few provinces which still remained to them. Henry sent over his uncle, the earl of Salisbury, together with his brother, Prince Richard, to whom he had granted the earldom of Cornwall, which had escheated to the crown. Salisbury stopped the progress of Lewis's arms, and retained the Poictevin and Gascon vassals in their allegiance: but no military action of any moment was performed on either side. The earl of Cornwall, after two years' stay in Guienne, returned to England.

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<sup>28</sup> Rymer, vol i. p. 269. Trivet, p. 179.

This prince was nowise turbulent or factious in his disposition: his ruling passion was to amass money, in which he succeeded so well as to become the richest subject in Christendom: yet his attention to gain threw him sometimes into acts of violence, and gave disturbance to the government. There was a manor, which had formerly belonged to the earldom of Cornwall but had been granted to Waleran de Ties, before Richard had been invested with that dignity, and while the earldom remained in the crown. Richard claimed this manor, and expelled the proprietor by force: Waleran complained: the king ordered his brother to do justice to the man, and restore him to his rights: the earl said that he would not submit to these orders, till the cause should be decided against him by the judgment of his peers: Henry replied, that it was first necessary to reinstate Waleran in possession, before the cause could be tried; and he reiterated his orders to the earl.<sup>29</sup> We may judge of the state of the government, when this affair had nearly produced a civil war The earl of Cornwall, finding Henry peremptory in his commands, associated himself with the young earl of Pembroke who had married his sister, and who was

displeased on account of the king's requiring him to deliver up some royal castles which were in his custody. These two malecontents took into the confederacy the earls of Chester, Warrenne, Gloucester, Hereford, Warwick, and Ferrers, who were all disgusted on a like account.<sup>30</sup> They assembled an army, which the king had not the power or courage to resist; and he was obliged to give his brother satisfaction, by grants of much greater importance than the manor, which had been the first ground of the quarrel.<sup>31</sup>

The character of the king, as he grew to man's estate, became every day better known; and he was found in every respect unqualified for maintaining a proper sway among those turbulent barons, whom the feudal constitution subjected to his authority. Gentle, humane, and merciful even to a fault, he seems to have been steady in no other circumstance of his character; but to have received every impression from those who surrounded him, and whom he loved, for the time, with the most imprudent and most unreserved affection. Without activity or vigor, he was unfit to conduct war; without policy or art, he was ill fitted to maintain peace: his resentments, though hasty and violent, were not dreaded, while he was found to drop them with such facility; his friendships were little valued, because they were neither derived from choice, nor maintained with constancy: a proper pageant of state in a regular monarchy, where his ministers could have conducted all affairs in his name and by his authority; but too feeble in those disorderly times to sway a sceptre, whose weight depended entirely on the firmness and dexterity of the hand which held it.

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<sup>29</sup> M. Paris, p. 233.

<sup>30</sup> M. Paris, p. 233.

<sup>31</sup> M. Paris, p. 233.

The ablest and most virtuous minister that Henry ever possessed was Hubert de Burgh;<sup>32</sup> a man who had been steady to the crown in the most difficult and dangerous times, and who yet showed no disposition, in the height of his power, to enslave or oppress the people. The only

exceptionable part of his conduct is that which is mentioned by Matthew Paris,<sup>33</sup> if the fact be really true, and proceeded from Hubert's advice, namely, the recalling publicly and the annulling of the charter of forests, a concession so reasonable in itself, and so passionately claimed both by the nobility and people: but it must be confessed that this measure is so unlikely, both from the circumstances of the times and character of the minister, that there is reason to doubt of its reality, especially as it is mentioned by no other historian. Hubert, while he enjoyed his authority, had an entire ascendant over Henry, and was loaded with honors and favors beyond any other subject.

Besides acquiring the property of many castles and manors, he married <sup>1231</sup>. the eldest sister of the king of Scots, was created earl of Kent, and, by an unusual concession, was made chief justiciary of England for life; yet Henry, in a sudden caprice, threw off his faithful minister, and exposed him to the violent persecutions of his enemies. Among other frivolous crimes objected to him, he was accused of gaining the king's affections by enchantment, and of purloining from the royal treasury a gem which had the virtue to render the wearer invulnerable, and of sending this valuable curiosity to the prince of Wales.<sup>34</sup> The nobility, who hated Hubert on account of his zeal in resuming the rights and possessions of the crown, no sooner saw the opportunity favorable, than they inflamed the king's animosity against him, and pushed him to seek the total ruin of his minister. Hubert took sanctuary in a church: the king ordered him to be dragged from thence: he recalled those orders: he afterwards renewed them: he was obliged by the clergy to restore him to the sanctuary: he constrained him soon after to surrender himself prisoner, and he confined him in the castle of the Devizes. Hubert made his escape, was expelled the kingdom, was again received into favor, recovered a great share of the king's confidence, but never showed any inclination to reinstate himself in power and authority.<sup>35</sup>

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<sup>32</sup> Ypod. Neust. p. 464.

<sup>33</sup> Page 232. M. West (p. 216) ascribes this counsel to Peter, bishop of Winchester.

<sup>34</sup> M. Paris, p. 259.



<sup>35</sup> M. Paris, p. 259, 260, 261, 266. Chron. T. Wykes, p. 41, 47 Chron. Dunst. vol. i. p. 220, 221. M. West, p. 291, 301.

The man who succeeded him in the government of the king and kingdom, was Peter, bishop of Winchester, a Poictevin by birth, who had been raised by the late king, and who was no less distinguished by his arbitrary principles and violent conduct, than by his courage and abilities. This prelate had been left by King John justiciary and regent of the kingdom during an expedition which that prince made into France; and his illegal administration was one chief cause of that great combination among the barons, which finally extorted from the crown the charter of liberties, and laid the foundation of the English constitution. Henry, though incapable, from his character, of pursuing the same violent maxims which had governed his father, had imbibed the same arbitrary principles; and in prosecution of Peter's advice, he invited over a great number of Poictevins and other foreigners, who, he believed, could more safely be trusted than the English, and who seemed useful to counterbalance the great and independent power of the nobility.<sup>36</sup> Every office and command was bestowed on these strangers; they exhausted the revenues of the crown, already too much impoverished;<sup>37</sup> they invaded the rights of the people; and their insolence, still more provoking than their power, drew on them the hatred and envy of all orders of men in the kingdom.<sup>38</sup>

The barons formed a combination against this odious ministry, and <sup>1233</sup> withdrew from parliament, on pretence of the danger to which they were exposed from the machinations of the Poictevins. When again summoned to attend, they gave for answer, that the king should dismiss his foreigners, otherwise they would drive both him and them out of the kingdom, and put the crown on another head, more worthy to wear it: <sup>39</sup> such was the style they used to their sovereign. They at last came to parliament, but so well attended, that they seemed in a condition to prescribe laws to the king and ministry.

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<sup>36</sup> M. Paris, p. 263

<sup>37</sup> Chron. Dunst. vol. i. p. 151.

<sup>38</sup> M. Paris, p. 258

<sup>39</sup> M. Paris, p 265.

Peter des Roches, however, had in the interval found means of sowing dissension among them, and of bringing over to his party the earl of Cornwall, as well as the earls of Lincoln and Chester. The confederates were disconcerted in their measures: Richard, earl Mareschal, who had succeeded to that dignity on the death of his brother William, was chased into Wales; he thence withdrew into Ireland, where he was treacherously murdered by the contrivance of the bishop of Winchester.<sup>40</sup> The estates of the more obnoxious barons were confiscated, without legal sentence or trial by their peers;<sup>41</sup> and were bestowed with a profuse liberality on the Poictevins. Peter even carried his insolence so far as to declare publicly, that the barons of England must not pretend to put themselves on the same foot with those of France, or assume the same liberties and privileges: the monarch in the former country had a more absolute power than in the latter. It had been more justifiable for him to have said, that men so unwilling to submit to the authority of laws, could with the worst grace claim any shelter or protection from them.

When the king at any time was checked in his illegal practices, and when the authority of the Great Charter was objected to him, he was wont to reply, "Why should I observe this charter, which is neglected by all my grantees, both prelates and nobility?" It was very reasonably said to him, "You ought, sir, to set them the example."<sup>42</sup>

So violent a ministry as that of the bishop of Winchester could not be of long duration; but its fall proceeded at last from the influence of the church, not from the efforts of the nobles. Edmond, the primate, came to court, attended by many of the other prelates, and represented to the king the pernicious measures embraced by Peter des Roches, the discontents of his people, the ruin of his affairs; and after requiring the dismissal of the minister and his associates, threatened him with excommunication in case of his refusal. Henry, who knew that an excommunication so agreeable to the sense of the people could not fail of producing the most dangerous effects, was obliged to submit: foreigners were banished; the natives were

restored to their place in council;<sup>43</sup> the primate, who was a man of prudence, and who took care to execute the laws and observe the charter of liberties, bore the chief sway in the government.

But the English in vain flattered themselves that they should be long <sup>1236</sup> free from the dominion of foreigners. The king, having married Eleanor, daughter of the count of Provence,<sup>44</sup> was surrounded by a great number of strangers from that country, whom he caressed with the fondest affection, and enriched by an imprudent generosity.<sup>45</sup>

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<sup>40</sup> Chron. Dunst. vol. i p. 219.

<sup>41</sup> M. Paris, p. 265.

<sup>42</sup> M. Paris, p. 608.

<sup>43</sup> M. Paris, p. 271, 272

<sup>44</sup> M. Paris, p. 286.

The bishop of Valence, a prelate of the house of Savoy, and maternal uncle to the queen, was his chief minister, and employed every art to amass wealth for himself and his relations. Peter of Savoy, a brother of the same family, was invested in the honor of Richmond, and received the rich wardship of Earl Warrenne; Boniface of Savoy was promoted to the see of Canterbury: many young ladies were invited over to Provence, and married to the chief noblemen of England, who were the king's wards. <sup>46</sup> And, as the source of Henry's bounty began to fail, his Savoyard ministry applied to Rome, and obtained a bull, permitting him to resume all past grants; absolving him from the oath which he had taken to maintain them; even enjoining him to make such a resumption, and representing those grants as invalid, on account of the prejudice which ensued from them to the Roman pontiff, in whom the superiority of the kingdom was vested.<sup>47</sup> The opposition made to the intended resumption prevented it from taking place; but the nation saw the indignities to which the king was willing to submit, in order to gratify the avidity of his foreign favorites. About the same time he published in England the sentence of excommunication, pronounced against the emperor Frederic, his brother-in-law;<sup>48</sup> and said

in excuse, that, being the pope's vassal, he was obliged by his allegiance to obey all the commands of his holiness. In this weak reign, when any neighboring potentate insulted the king's dominions, instead of taking revenge for the injury, he complained to the pope as his superior lord, and begged him to give protection to his vassal.<sup>49</sup>

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<sup>45</sup> M. Paris, p. 236, 301, 305, 316, 541.

<sup>46</sup> M. West. p. 302, 304.

<sup>47</sup> M. Paris, p. 484.

<sup>48</sup> M. West. p. 338.

The resentment of the English barons rose high at the preference <sup>1247</sup>. given to foreigners; but no remonstrance or complaint could ever prevail on the king to abandon them, or even to moderate his attachment towards them. After the Provincals and Savoyards might have been supposed pretty well satiated with the dignities and riches which they had acquired, a new set of hungry foreigners were invited over, and shared among them those favors which the king ought in policy to have conferred on the English nobility, by whom his government could have been supported and defended. His mother Isabella, who had been unjustly taken by the late king from the count de la Marche, to whom she was betrothed, was no mistress of herself by the death of her husband, than she married that nobleman;<sup>50</sup> and she had born him four sons, Guy, William, Geoffrey, and Aymer, whom she sent over to England, in order to pay a visit to their brother. The good-natured and affectionate disposition of Henry was moved at the sight of such near relations; and he considered neither his own circumstances, nor the inclinations of his people, in the honors and riches which he conferred upon them.<sup>51</sup> Complaints rose as high against the credit of the Gascon, as ever they had done against that of the Poictevin and of the Savoyard favorites; and to a nation prejudiced against them, all their measures appeared exceptionable and criminal. Violations of the Great Charter were frequently mentioned; and it is indeed more than probable, that foreigners, ignorant of the laws, and relying on the boundless affections of a weak prince, would, in an age when a regular

administration was not any where known, pay more attention to their present interest than to the liberties of the people. It is reported that the Poitevins and other strangers, when the laws were at any time appealed to in opposition to their oppressions, scrupled not to reply, “What did the English laws signify to them? They minded them not.” And as words are often more offensive than actions, this open contempt of the English tended much to aggravate the general discontent, and made every act of violence committed by the foreigners appear not only an injury, but an affront to them.<sup>52</sup>

I reckon not among the violations of the Great Charter some arbitrary exertions of prerogative to which Henry’s necessities pushed him, and which, without producing any discontent, were uniformly continued by all his successors, till the last century. As the parliament often refused him supplies, and that in a manner somewhat rude and indecent,<sup>53</sup> he obliged his opulent subjects, particularly the citizens of London, to grant him loans of money; and it is natural to imagine that the same want of economy which reduced him to the necessity of borrowing, would prevent him from being very punctual in the repayment.<sup>54</sup> He demanded benevolences, or pretended voluntary contributions, from his nobility and prelates.<sup>55</sup>

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<sup>49</sup> Trivet, p. 174.

<sup>50</sup> M. Paris, p. 491. M. West. p. 338. Knyghton, p. 2436.

<sup>51</sup> M. Paris, p. 566, 666. Ann. Waverl. p. 214. Chron. Dunst. vol. i. p. 335.

<sup>52</sup> M. Paris, p. 301

<sup>53</sup> M. Paris, p. 507

He was the first king of England, since the conquest, that could fairly be said to lie under the restraint of law; and he was also the first that practised the dispensing power, and he employed the clause of “non obstante” in his grants and patents. When objections were made to this novelty, he replied that the pope exercised that authority, and why might not he imitate the example? But the abuse which the pope made of his dispensing power, in violating the canons of general councils, in invading

the privileges and customs of all particular churches, and in usurping on the rights of patrons, was more likely to excite the jealousy of the people than to reconcile them to a similar practice in their civil government. Roger de Thurkesby, one of the king's justices, was so displeased with the precedent, that he exclaimed, "Alas! what times are we fallen into? Behold, the civil court is corrupted in imitation of the ecclesiastical, and the river is poisoned from that fountain."

The king's partiality and profuse bounty to his foreign relations, and to their friends and favorites, would have appeared more tolerable to the English, had any thing been done meanwhile for the honor of the nation, or had Henry's enterprises in foreign countries been attended with any success or glory to himself or to the public; at least, such military talents in the king would have served to keep his barons in awe, and have given weight and authority to his government. But though he declared war against Lewis IX. in 1242, and made an expedition into Guienne, upon the invitation of his father-in-law, the count de la Marche, who promised to join him with all his forces, he was unsuccessful in his attempts against that great monarch, was worsted at Taillebourg, was deserted by his allies, lost what remained to him of Poictou, and was obliged to return with loss of honor into England.<sup>56</sup>

The Gascon nobility were attached to the English government, because <sup>1253.</sup> the distance of their sovereign allowed them to remain in a state of almost total independence; and they claimed, some time after, Henry's protection against an invasion which the king of Castile made upon that territory. Henry returned into Guienne, and was more successful in this expedition; but he thereby involved himself and his nobility in an enormous debt, which both increased their discontents, and exposed him to greater danger from their enterprises.<sup>57</sup>

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<sup>54</sup> M. Paris, p. 393, 394, 398, 399, 405. W. Heming. p. 574. Chron. Dunst. vol. i. p. 153.

<sup>55</sup> M. Paris, p. 414.

Want of economy and an ill-judged liberality were Henry's great defects; and his debts, even before this expedition, had become so troublesome, that he sold all his plate and jewels, in order to discharge them. When this expedient was first proposed to him, he asked where he should find purchasers. It was replied, the citizens of London. "On my word," said he, "if the treasury of Augustus were brought to sale, the citizens are able to be the purchasers: these clowns, who assume to themselves the name of barons, abound in every thing, while we are reduced to necessities."<sup>58</sup> And he was thenceforth observed to be more forward and greedy in his exactions upon the citizens.<sup>59</sup>

But the grievances which the English during this reign had reason to complain of in the civil government, seem to have been still less burdensome than those which they suffered from the usurpations and exactions of the court of Rome. On the death of Langton, in 1228, the monks of Christ-church elected Walter de Hemesham, one of their own body, for his successor: but as Henry refused to confirm the election, the pope, at his desire, annulled it;<sup>60</sup> and immediately appointed Richard, chancellor of Lincoln, for archbishop, without waiting for a new election. On the death of Richard, in 1231, the monks elected Ralph de Neville, bishop of Chichester; and though Henry was much pleased with the election, the pope, who thought that prelate too much attached to the crown, assumed the power of annulling his election.<sup>61</sup> He rejected two clergymen more, whom the monks had successively chosen; and he at last told them that, if they would elect Edmond, treasurer of the church of Salisbury, he would confirm their choice; and his nomination was complied with. The pope had the prudence to appoint both times very worthy primates; but men could not forbear observing his intention of thus drawing gradually to himself the right of bestowing that important dignity.

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<sup>56</sup> M. Paris, p. 501.

<sup>57</sup> M. Paris, p. 501, 507, 518, 578, 606, 625, 548.

<sup>58</sup> M. Paris, p. 244.

<sup>59</sup> M. Paris, p. 254.

The avarice, however, more than the ambition of the see of Rome, seems to have been in this age the ground of general complaint. The papal ministers, finding a vast stock of power amassed by their predecessors, were desirous of turning it to immediate profit, which they enjoyed at home, rather than of enlarging their authority in distant countries, where they never intended to reside. Every thing was become venal in the Romish tribunals: simony was openly practised; no favors, and even no justice, could be obtained without a bribe; the highest bidder was sure to have the preference, without regard either to the merits of the person or of the cause; and besides the usual perversions of right in the decision of controversies, the pope openly assumed an absolute and uncontrolled authority of setting aside, by the plenitude of his apostolic power, all particular rules, and all privileges of patrons, churches, and convents. On pretence of remedying these abuses, Pope Honorius, in 1226, complaining of the poverty of his see as the source of all grievances, demanded from every cathedral two of the best prebends, and from every convent two monks' portions, to be set apart as a perpetual and settled revenue of the papal crown; but all men being sensible that the revenue would continue forever, and the abuses immediately return, his demand was unanimously rejected. About three years after, the pope demanded and obtained the tenth of all ecclesiastical revenues, which he levied in a very oppressive manner; requiring payment before the clergy had drawn their rents or tithes, and sending about usurers, who advanced them the money at exorbitant interest. In the year 1240, Otho the legate, having in vain attempted the clergy in a body, obtained separately, by intrigues and menaces, large sums from the prelates and convents, and on his departure is said to have carried more money out of the kingdom than he left in it. This experiment was renewed four years after with success by Martin the nuncio, who brought from Rome powers of suspending and excommunicating all clergymen that refused to comply with his demands. The king, who relied on the pope for the support of his tottering authority, never failed to countenance those exactions.

Meanwhile all the chief benefices of the kingdom were conferred on Italians; great numbers of that nation were sent over at one time to be provided for; non-residence and pluralities were carried to an enormous



height; Mansel, the king's chaplain, is computed to have held at once seven hundred ecclesiastical livings; and the abuses became so evident, as to be palpable to the blindness of superstition itself. The people, entering into associations, rose against the Italian clergy; pillaged their barns; wasted their lands; insulted the persons of such of them as they found in the kingdom;<sup>62</sup> and when the justices made inquiry into the authors of this disorder, the guilt was found to involve so many, and those of such high rank, that it passed unpunished.

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<sup>60</sup> Rymer, vol. i. p. 323. M. Paris, p. 255, 257.

At last, when Innocent IV., in 1245, called a general council at Lyons, in order to excommunicate the emperor Frederic, the king and nobility sent over agents to complain, before the council, of the rapacity of the Romish church. They represented, among many other grievances, that the benefices of the Italian clergy in England had been estimated, and were found to amount to sixty thousand marks<sup>63</sup> a year, a sum which exceeded the annual revenue of the crown itself.<sup>64</sup> They obtained only an evasive answer from the pope; but as mention had been made, before the council, of the feudal subjection of England to the see of Rome, the English agents, at whose head was Roger Bigod, earl of Norfolk, exclaimed against the pretension, and insisted that King John had no right, without the consent of his barons, to subject the kingdom to so ignominious a servitude.<sup>65</sup> The popes, indeed, afraid of carrying matters too far against England, seem thenceforth to have little insisted on that pretension.

This check, received at the council of Lyons, was not able to stop the court of Rome in its rapacity: Innocent exacted the revenues of all vacant benefices, the twentieth of all ecclesiastical revenues without exception; the third of such as were exceeded a hundred marks a year; the half of such as were possessed by non-residents.<sup>66</sup> He claimed the goods of all intestate clergymen;<sup>67</sup> he pretended a title to inherit all money gotten by usury: he levied benevolences upon the people; and when the king, contrary to his usual practice, prohibited these exactions, he threatened to pronounce against him the same censures which he had emitted against the emperor Frederic.<sup>68</sup>

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<sup>61</sup> Innocent's bull in Rymer, vol. i. p. 471, says only fifty thousand marks a year.

<sup>62</sup> M. Paris, p. 451. The customs were part of Henry's revenue, and amounted to six thousand pounds a year: they were at first email sums paid by the merchants for the use of the king's ware-houses, measures, weights, etc. See Gilbert's History of the Exch p. 214.

<sup>63</sup> M. Paris, p. 460.

<sup>64</sup> M. Paris, p. 480. Ann. Burt. p. 305, 573.

<sup>65</sup> M. Paris, p. 476.

But the most oppressive expedient employed by the pope, was the <sup>1255</sup>. embarking of Henry in a project for the conquest of Naples, or Sicily on this side the Fare, as it was called; an enterprise which threw much dishonor on the king, and involved him, during some years, in great trouble and expense. The Romish church, taking advantage of favorable incidents, had reduced the kingdom of Sicily to the same state of feudal vassalage which she pretended to extend over England; and which, by reason of the distance, as well as high spirit of this latter kingdom, she was not able to maintain. After the death of the emperor Frederic II., the succession of Sicily devolved to Conradine, grandson of that monarch; and Mainfroy, his natural son, under pretence of governing the kingdom during the minority of the prince, had formed a scheme of establishing his own authority. Pope Innocent, who had carried on violent war against the emperor Frederic, and had endeavored to dispossess him of his Italian dominions, still continued hostilities against his grandson; but being disappointed in all his schemes by the activity and artifices of Mainfroy, he found that his own force alone was not sufficient to bring to a happy issue so great an enterprise. He pretended to dispose of the Sicilian crown, both as superior lord of that particular kingdom, and as vicar of Christ, to whom all kingdoms of the earth were subjected; and he made a tender of it to Richard, earl of Cornwall, whose immense riches, he flattered himself, would be able to support the military operations against Mainfroy. As Richard had the prudence to refuse the present,<sup>69</sup> he applied to the king, whose levity and thoughtless disposition gave Innocent more hopes of

success; and he offered him the crown of Sicily for his second son, Edmond.<sup>70</sup> Henry, allured by so magnificent a present, without reflecting on the consequences, without consulting either with his brother or the parliament, accepted of the insidious proposal, and gave the pope unlimited credit to expend whatever sums he thought necessary for completing the conquest of Sicily. Innocent, who was engaged by his own interests to wage war with Mainfroy, was glad to carry on his enterprises at the expense of his ally: Alexander IV., who succeeded him in the papal throne, continued the same policy, and Henry was surprised to find himself on a sudden involved in an immense debt, which he had never been consulted in contracting. The sum already amounted to a hundred and thirty-five thousand five hundred and forty-one marks, beside interest;<sup>71</sup> and he had the prospect, if he answered this demand, of being soon loaded with more exorbitant expenses if he refused it, of both incurring the pope's displeasure, and losing the crown of Sicily, which he hoped soon to have the glory of fixing on the head of his son.

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<sup>66</sup> M. Paris, p.650.

<sup>67</sup> Rymer, vol. i. p. 502, 512, 530. M. Paris, p. 599, 613

<sup>68</sup> Rymer, vol i. p. 587. Chron. Dunst vol. i. p. 319.

He applied to the parliament for supplies; and that he might be sure not to meet with opposition, he sent no writs to the more refractory barons: but even those who were summoned, sensible of the ridiculous cheat imposed by the pope, determined not to lavish their money on such chimerical projects; and making a pretext of the absence of their brethren, they refused to take the king's demands into consideration.<sup>72</sup> In this extremity the clergy were his only resource; and as both their temporal and spiritual sovereign concurred in loading them, they were ill able to defend themselves against this united authority.

The pope published a crusade for the conquest of Sicily; and required every one who had taken the cross against the infidels, or had vowed to advance money for that service, to support the war against Mainfroy, a more terrible enemy, as he pretended, to the Christian faith than any

Saracen.<sup>73</sup>..... He levied a tenth on all ecclesiastical benefices in England for three years; and gave orders to excommunicate all bishops who made not punctual payment. He granted to the king the goods of intestate clergymen; the revenues of vacant benefices, the revenues of all non-residents.<sup>74</sup>..... But these taxations, being levied by some rule, were deemed less grievous than another imposition, which arose from the suggestion of the bishop of Hereford, and which might have opened the door to endless and intolerable abuses.

This prelate, who resided at the court of Rome by a deputation from the English church, drew bills of different values but amounting on the whole to a hundred and fifty thousand five hundred and forty marks on all the bishops and abbots of the kingdom; and granted these bills to Italian merchants, who, it was pretended, had advanced money for the service of the war against Mainfroy.<sup>75</sup>..... As there was no likelihood of the English prelates' submitting, without compulsion, to such an extraordinary demand, Rustand the legate was charged with the commission of employing authority to that purpose, and he summoned an assembly of the bishops and abbots whom he acquainted with the pleasure of the pope and of the king.

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<sup>69</sup>..... M. Paris, p. 614

<sup>70</sup>..... Rymer, vol. i. p. 547, 548, etc.

<sup>71</sup>..... Rymer, vol. i. p. 597, 598.

<sup>72</sup>..... M. Paris, p. 612, 628. Chron. T. Wykes, p. 54.

Great were the surprise and indignation of the assembly: the bishop of Worcester exclaimed, that he would lose his life rather than comply: the bishop of London said, that the pope and king were more powerful than he; but if his mitre were taken off his head, he would clap on a helmet in its place.<sup>76</sup>..... The legate was no less violent on the other hand; and he told the assembly, in plain terms, that all ecclesiastical benefices were the property of the pope, and he might dispose of them, either in whole or in part, as he saw proper.<sup>77</sup>..... In the end, the bishops and abbots, being threatened with excommunication, which made all their revenues fall into

the king's hands, were obliged to submit to the exaction; and the only mitigation which the legate allowed them was, that the tenths already granted should be accepted as a partial payment of the bills. But the money was still insufficient for the pope's purpose: the conquest of Sicily was as remote as ever: the demands which came from Rome were endless: Pope Alexander became so urgent a creditor, that he sent over a legate to England, threatening the kingdom with an interdict, and the king with excommunication, if the arrears, which he pretended to be due to him, were not instantly remitted;<sup>78</sup> and at last Henry, sensible of the cheat, began to think of breaking off the agreement, and of resigning into the pope's hands that crown which it was not intended by Alexander that he or his family should ever enjoy.<sup>79</sup>

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<sup>73</sup> M. Paris, p. 614.

<sup>74</sup> M. Paris, p. 619

<sup>75</sup> Rymer, vol. i. p. 624. M. Paris, p. 648.

<sup>76</sup> Rymer, vol. i. p. 630.

The earl of Cornwall had now reason to value himself on his foresight, in refusing the fraudulent bargain with Rome, and in preferring the solid honors of an opulent and powerful prince of the blood of England, to the empty and precarious glory of a foreign dignity. But he had not always firmness sufficient to adhere to this resolution: his vanity and ambition prevailed at last over his prudence and his avarice; and he was engaged in an enterprise no less expensive and vexatious than that of his brother, and not attended with much greater probability of success. The immense opulence of Richard having made the German princes cast their eye on him as a candidate for the empire, he was tempted to expend vast sums of money on his election; and he succeeded so far as to be chosen king of the Romans, which seemed to render his succession infallible to the imperial throne. He went over to Germany, and carried out of the kingdom no less a sum than seven hundred thousand marks, if we may credit the account given by some ancient authors,<sup>80</sup> which is probably much exaggerated.<sup>81</sup> His money, while it lasted, procured him friends and partisans; but it was

soon drained from him by the avidity of the German princes; and, having no personal or family connections in that country, and no solid foundation of power, he found, at last, that he had lavished away the frugality of a whole life in order to procure a splendid title; and that his absence from England, joined to the weakness of his brother's government, gave reins to the factious and turbulent dispositions of the English barons, and involved his own country and family in great calamities.

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<sup>77</sup> M. Paris, p. 638. The same author, a few pages before, makes Richard's treasures amount to little more than half the sum, (p. 634.) The king's dissipations and expenses, throughout this whole reign, according to the same author, had amounted only to about nine hundred and forty thousand marks, (p. 638.)

<sup>78</sup> The sums mentioned by ancient authors, who were almost all monks, are often improbable, and never consistent. But we know from an infallible authority, the public remonstrance to the council of Lyons, that the king's revenues were below sixty thousand marks a year: his brother, therefore, could never have been master of seven hundred thousand marks; especially as he did not sell his estates in England, as we learn from the same author; and we hear afterwards of his ordering all his woods to be cut, in order to satisfy the rapacity of the German princes: his son succeeded to the earldom of Cornwall and his other revenues.

The successful revolt of the nobility from King John, and their imposing on him and his successors limitations of their royal power, had made them feel their own weight and importance, had set a dangerous precedent of resistance, and being followed by a long minority, had impoverished as well as weakened that crown which they were at last induced, from the fear of worse consequences, to replace on the head of young Henry. In the king's situation, either great abilities and vigor were requisite to overawe the barons, or great caution and reserve to give them no pretence for complaints; and it must be confessed, that this prince was possessed of neither of these talents. He had not prudence to choose right measures; he wanted even that constancy which sometimes gives weight to wrong ones; he was entirely devoted to his favorites, who were always foreigners; he lavished on them, without discretion, his diminished revenue; and finding that his barons indulged their disposition towards tyranny, and observed

not to their own vassals the same rules which they had imposed on the crown, he was apt, in his administration, to neglect all the salutary articles of the Great Charter; which he remarked to be so little regarded by his nobility. This conduct had extremely lessened his authority in the kingdom; had multiplied complaints against him; and had frequently exposed him to affronts, and even to dangerous attempts upon his prerogative. In the year 1244, when he desired a supply from parliament, the barons, complaining of the frequent breaches of the Great Charter, and of the many fruitless applications which they had formerly made for the redress of this and other grievances, demanded in return, that he should give them the nomination of the great justiciary and of the chancellor, to whose hands chiefly the administration of justice was committed: and, if we may credit the historian,<sup>82</sup> they had formed the plan of other limitations, as well as of associations to maintain them, which would have reduced the king to be an absolute cipher, and have held the crown in perpetual pupillage and dependence. The king, to satisfy them, would agree to nothing but a renewal of the charter, and a general permission to excommunicate all the violators of it; and he received no supply, except a scutage of twenty shillings on each knight's fee for the marriage of his eldest daughter to the king of Scotland; a burden which was expressly annexed to their feudal tenures.

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<sup>79</sup> M. Paris, p. 432.

Four years after, in a full parliament, when Henry demanded a new supply, he was openly reproached with the breach of his word, and the frequent violations of the charter. He was asked whether he did not blush to desire any aid from his people, whom he professedly hated and despised; to whom on all occasions he preferred aliens and foreigners, and who groaned under the oppressions which he either permitted or exercised over them. He was told that, besides disparaging his nobility by forcing them to contract unequal and mean marriages with strangers, no rank of men was so low as to escape vexations from him or his ministers; that even the victuals consumed in his household, the clothes which himself and his servants wore, still more the wine which they used, were all taken by

violence from the lawful owners, and no compensation was ever made them for the injury; that foreign merchants, to the great prejudice and infamy of the kingdom shunned the English harbors as if they were possessed by pirates, and the commerce with all nations was thus cut off by these acts of violence; that loss was added to loss, and injury to injury, while the merchants, who had been despoiled of their goods, were also obliged to carry them at their own charge to whatever place the king was pleased to appoint them; that even the poor fishermen on the coast could not escape his oppressions and those of his courtiers; and finding that they had not full liberty to dispose of their commodities in the English market, were frequently constrained to carry them to foreign ports, and to hazard all the perils of the ocean, rather than those which awaited them from his oppressive emissaries; and that his very religion was a ground of complaint to his subjects, while they observed, that the waxen tapers and splendid silks, employed in so many useless processions, were the spoils which he had forcibly ravished from the true owners.<sup>83</sup> Throughout this remonstrance, in which the complaints derived from an abuse of the ancient right of purveyance may be supposed to be somewhat exaggerated, there appears a strange mixture of regal tyranny in the practices which gave rise to it, and of aristocratical liberty, or rather licentiousness, in the expressions employed by the parliament. But a mixture of this kind is observable in all the ancient feudal governments, and both of them proved equally hurtful to the people.

As the king, in answer to their remonstrance, gave the parliament only good words and fair promises, attended with the most humble submissions, which they had often found deceitful, he obtained at that time no supply; and therefore, in the year 1253, when he found himself again under the necessity of applying to parliament, he had provided a new pretence, which he deemed infallible, and taking the vow of a crusade, he demanded their assistance in that pious enterprise.<sup>84</sup> The parliament, however, for some time hesitated to comply, and the ecclesiastical order sent a deputation consisting of four prelates, the primate and the bishops of Winchester Salisbury, and Carlisle, in order to remonstrate with him on his frequent violations of their privileges, the oppressions with which he had loaded them and all his subjects,<sup>85</sup> and the uncanonical and forced elections which were made to vacant dignities.



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<sup>80</sup>..... M. Paris, p. 498. See further, p. 578. M. West. p. 348.

<sup>81</sup>..... M. Paris, p. 518, 558, 568. Chron. Dunst. vol. i. p. 293.

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<sup>82</sup>..... M. Paris, p. 568.

“It is true,” replied the king, “I have been somewhat faulty in this particular: I obtruded you, my lord of Canterbury, upon your see; I was obliged to employ both entreaties and menaces, my lord of Winchester, to have, you elected; my proceedings, I confess, were very irregular, my lords of Salisbury and Carlisle, when I raised you from the lowest stations to your present dignities; I am determined henceforth to correct these abuses; and it will also become you, in order to make a thorough reformation, to resign your present benefices; and try to enter again in a more regular and canonical manner.”<sup>86</sup>..... The bishops, surprised at these unexpected sarcasms, replied, that the question was not at present how to correct past errors, but to avoid them for the future. The king promised redress both of ecclesiastical and civil grievances; and the parliament in return agreed to grant him a supply, a tenth of the ecclesiastical benefices, and a scutage of three marks on each knight’s fee: but as they had experienced his frequent breach of promise, they required that he should ratify the Great Charter in a manner still more authentic and more solemn than any which he had hitherto employed. All the prelates and abbots were assembled: they held burning tapers in their hands: the Great Charter was read before them: they denounced the sentence of excommunication against every one who should thenceforth violate that fundamental law: they threw their tapers on the ground, and exclaimed, “May the soul of every one who incurs this sentence so stink and corrupt in hell!” The king bore a part in this ceremony, and subjoined, “So help me God, I will keep all these articles inviolate, as I am a man, as I am a Christian, as I am a knight, and as I am a king crowned and anointed.”<sup>87</sup>..... Yet was the tremendous ceremony no sooner finished, than his favorites, abusing his weakness, made him return to the same arbitrary and irregular

administration; and the reasonable expectations of his people were thus perpetually eluded and disappointed.<sup>88</sup>

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<sup>83</sup> M. Paris, p. 579.

<sup>84</sup> Ibid. p. 580. Ann. Burt. p. 323. Ann. Waverl. p. 210. W Heming. p. 571. M. West. p. 353.

<sup>85</sup> M. Paris, p. 597, 608.

All these imprudent and illegal measures afforded a pretence to <sup>1258</sup>. Simon de Mountfort, earl of Leicester, to attempt an innovation in the government, and to wrest the sceptre from the feeble and irresolute hand which held it. This nobleman was a younger son of that Simon de Mountfort who had conducted with such valor and renown the crusade against the Albigenses, and who, though he tarnished his famous exploits by cruelty and ambition, had left a name very precious to all the bigots of that age, particularly to the ecclesiastics. A large inheritance in England fell by succession to this family; but as the elder brother enjoyed still more opulent possessions in France, and could not perform fealty to two masters, he transferred his right to Simon, his younger brother, who came over to England, did homage for his lands, and was raised to the dignity of earl of Leicester. In the year 1238, he espoused Eleanor, dowager of William, earl of Pembroke, and sister to the king;<sup>89</sup> but the marriage of this princess with a subject and a foreigner, though contracted with Henry's consent, was loudly complained of by the earl of Cornwall and all the barons of England; and Leicester was supported against their violence by the king's favor and authority alone.<sup>90</sup> But he had no sooner established himself in his possessions and dignities, than he acquired, by insinuation and address, a strong interest with the nation, and gained equally the affections of all orders of men. He lost, however, the friendship of Henry from the usual levity and fickleness of that prince; he was banished the court; he was recalled; he was intrusted with the command of Guienne,<sup>91</sup> where he did good service and acquired honor; he was again disgraced by the king, and his banishment from court seemed now final and irrevocable. Henry called him traitor to his face; Leicester gave him the lie,

and told him that, if he were not his sovereign, he would soon make him repent of that insult. Yet was this quarrel accommodated, either from the good nature or timidity of the king, and Leicester was again admitted into some degree of favor and authority. But as this nobleman was become too great to preserve an entire complaisance to Henry's humors, and to act in subserviency to his other minions, he found more advantage in cultivating his interest with the public, and in inflaming the general discontents which prevailed against the administration. He filled every place with complaints against the infringement of the Great Charter, the acts of violence committed on the people, the combination between the pope and the king in their tyranny and extortions, Henry's neglect of his native subjects and barons; and though himself a foreigner, he was more loud than any in representing the indignity of submitting to the dominion of foreigners.

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<sup>86</sup> M. Paris, p. 314.

<sup>87</sup> Ibid, p. 315.

<sup>88</sup> Rymer, vol. i. p. 459, 513.

By his hypocritical pretensions to devotion he gained the favor of the zealots and clergy: by his seeming concern for public good he acquired the affections of the public: and besides the private friendships which he had cultivated with the barons, his animosity against the favorites created a union of interests between him and that powerful order.

A recent quarrel which broke out between Leicester and William de Valence, Henry's half brother and chief favorite, brought matters to extremity,<sup>92</sup> and determined the former to give full scope to his bold and unbounded ambition, which the laws and the king's authority had hitherto with difficulty restrained. He secretly called a meeting of the most considerable barons, particularly Humphrey de Bohun, high constable, Roger Bigod, earl mareschal, and the earls of Warwick and Gloucester; men who by their family and possessions stood in the first rank of the English nobility. He represented to this company the necessity of reforming the state, and of putting the execution of the laws into other hands than those which had hitherto appeared, from repeated experience, so unfit for the

charge with which they were intrusted. He exaggerated the oppressions exercised against the lower orders of the state, the violations of the barons' privileges, the continued depredations made on the clergy; and in order to aggravate the enormity of this conduct, he appealed to the Great Charter, which Henry had so often ratified, and which was calculated to prevent forever the return of those intolerable grievances. He magnified the generosity of their ancestors, who, at a great expense of blood, had extorted that famous concession from the crown; but lamented their own degeneracy, who allowed so important an advantage, once obtained, to be wrested from them by a weak prince and by insolent strangers. And he insisted that the king's word, after so many submissions and fruitless promises on his part, could no longer be relied on; and that nothing but his absolute inability to violate national privileges could henceforth insure the regular observance of them.

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<sup>89</sup> M. Paris, p. 649.

These topics, which were founded in truth, and suited so well the sentiments of the company, had the desired effect, and the barons embraced a resolution of redressing the public grievances, by taking into their own hands the administration of government. Henry having summoned a parliament, in expectation of receiving supplies for his Sicilian project, the barons appeared in the hall, clad in complete armor, and with their swords by their side: the king, on his entry, struck with the unusual appearance, asked them what was their purpose, and whether they pretended to make him their prisoner.<sup>93</sup> Roger Bigod replied in the name of the rest, that he was not their prisoner, but their sovereign; that they even intended to grant him large supplies, in order to fix his son on the throne of Sicily; that they only expected some return for this expense and service; and that, as he had frequently made submissions to the parliament, had acknowledged his past errors, and had still allowed himself to be carried into the same path, which gave them such just reason of complaint, he must now yield to more strict regulations, and confer authority on those who were able and willing to redress the national grievances. Henry, partly allured by the hopes of supply, partly

intimidated by the union and martial appearance of the barons, agreed to their demand, and promised to summon another parliament at Oxford, in order to digest the new plan of government, and to elect the persons who were to be intrusted with the chief authority.

This parliament, which the royalists, and even the nation, from experience of the confusions that attended its measures, afterwards denominated the “mad parliament,” met on the day appointed; and as all the barons brought along with them their military vassals, and appeared with an armed force, the king, who had taken no precautions against them, was in reality a prisoner in their hands, and was obliged to submit to all the terms which they were pleased to impose upon him. Twelve barons were selected from among the king’s ministers; twelve more were chosen by parliament: to these twenty-four unlimited authority was granted to reform the state; and the king himself took an oath, that he would maintain whatever ordinances they should think proper to enact for that purpose.<sup>94</sup> Leicester was at the head of this supreme council, to which the legislative power was thus in reality transferred; and all their measures were taken by his secret influence and direction.

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<sup>90</sup> Annal. Theokesoury.

<sup>91</sup> Rymer, vol. i. p. 655. Chron. Dunst. vol.i. p. 334. Knyghton p. 2445.

Their first step bore a specious appearance, and seemed well calculated for the end which they professed to be the object of all these innovations; they ordered that four knights should be chosen by each county; that they should make inquiry into the grievances of which their neighborhood had reason to complain, and should attend the ensuing parliament, in order to give information to that assembly of the state of their particular counties;<sup>95</sup> a nearer approach to our present constitution than had been made by the barons in the reign of King John, when the knights were only appointed to meet in their several counties, and there to draw up a detail of their grievances. Meanwhile the twenty-four barons proceeded to enact some regulations, as a redress of such grievances as were supposed to be sufficiently notorious. They ordered, that three sessions of parliament

should be regularly held every year, in the months of February, June, and October; “that a new sheriff should be annually elected by the votes of the freeholders in each county;<sup>92</sup> that the sheriffs should have no power of fining the barons who did not attend their courts, or the circuits of the justiciaries; that no heirs should be committed to the wardship of foreigners, and no castles intrusted to their custody; and that no new warrens or forests should be created, nor the revenues of any counties or hundreds be let to farm.” Such were the regulations which the twenty-four barons established at Oxford, for the redress of public grievances.

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<sup>92</sup> M. Paris, p. 657. Addit. p. 140. Ann. Burt, p, 412.

<sup>93</sup> Chron. Dunst. vol. i. p. 336.

But the earl of Leicester and his associates, having advanced so far to satisfy the nation, instead of continuing in this popular course, or granting the king that supply which they had promised him, immediately provided for the extension and continuance of their own authority. They roused anew the popular clamor which had long prevailed against foreigners; and they fell with the utmost violence on the king’s half brothers, who were supposed to be the authors of, all national grievances, and whom Henry had no longer any power to protect. The four brothers, sensible of their danger, took to flight, with an intention of making their escape out of the kingdom; they were eagerly pursued by the barons; Aymer, one of the brothers, who had been elected to the see of Winchester took shelter in his episcopal palace, and carried the others along with him; they were surrounded in that place, and threatened to be dragged out by force, and to be punished for their crimes and misdemeanors; and the king, pleading the sacredness of an ecclesiastical sanctuary, was glad to extricate them from this danger by banishing them the kingdom. In this act of violence, as well as in the former usurpations of the barons, the queen and her uncles were thought to have secretly concurred; being jealous of the credit acquired by the brothers, which, they found, had eclipsed and annihilated their own.

But the subsequent proceedings of the twenty-four barons were sufficient to open the eyes of the nation, and to prove their intention of reducing forever both the king and the people under the arbitrary power of a very narrow aristocracy., which must at last have terminated either in anarchy, or in a violent usurpation and tyranny. They pretended that they had not yet digested all the regulations necessary for the reformation of the state, and for the redress of grievances; and that they must still retain their power, till that great purpose were thoroughly effected: in other words, that they must be perpetual governors, and must continue to reform, till they were pleased to abdicate their authority. They formed an association among themselves, and swore that they would stand by each other with their lives and fortunes; they displaced all the chief officers of the crown, the justiciary, the chancellor, the treasurer; and advanced either themselves or their own creatures in their place: even the offices of the king's household were disposed of at their pleasure: the government of all the castles was put into hands in whom they found reason to confide: and the whole power of the state being thus transferred to them, they ventured to impose an oath, by which all the subjects were obliged to swear, under the penalty of being declared public enemies, that they would obey and execute all the regulations, both known and unknown, of the twenty-four barons: and all this, for the greater glory of God, the honor of the church, the service of the king, and the advantage of the kingdom.<sup>97</sup>

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<sup>94</sup> Chron. T. Wykes, p. 52.

No one dared to withstand this tyrannical authority: Prince Edward himself, the king's eldest son, a youth of eighteen, who began to give indications of that great and manly spirit which appeared throughout the whole course of his life, was, after making some opposition, constrained to take that oath, which really deposed his father and his family from sovereign authority.<sup>98</sup> Earl Warrenne was the last person in the kingdom that could be brought to give the confederated barons this mark of submission.

But the twenty-four barons, not content with the usurpation of the royal power, introduced an innovation in the constitution of parliament,

which was of the utmost importance. They ordained, that this assembly should choose a committee of twelve persons, who should, in the intervals of the sessions, possess the authority of the whole parliament, and should attend, on a summons, the person of the king, in all his motions. But so powerful were these barons, that this regulation was also submitted to; the whole government was overthrown or fixed on new foundations; and the monarchy was totally subverted, without its being possible for the king to strike a single stroke in defence of the constitution against the newly-erected oligarchy.

The report that the king of the Romans intended to pay a visit to <sup>1259</sup> England, gave alarm to the ruling barons, who dreaded lest the extensive influence and established authority of that prince would be employed to restore the prerogatives of his family, and overturn their plan of government.<sup>99</sup> They sent over the bishop of Worcester, who met him at St. Omars; asked him, in the name of the barons, the reason of his journey, and how long he intended to stay in England; and insisted that, before he entered the kingdom he should swear to observe the regulations established at Oxford. On Richard's refusal to take this oath, they prepared to resist him as a public enemy; they fitted out a fleet, assembled an army, and exciting the inveterate prejudices of the people against foreigners, from whom they had suffered so many oppressions, spread the report that Richard, attended by a number of strangers, meant to restore by force the authority of his exiled brothers, and to violate all the securities provided for public liberty. The king of the Romans was at last obliged to submit to the terms required of him.<sup>100</sup>

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<sup>95</sup> Ann. Burt. p. 411.

<sup>96</sup> M. Paris, p. 661.

<sup>97</sup> Ibid p. 661, 662. Chron. T. Wykes, p. 53.

But the barons, in proportion to their continuance in power, began gradually to lose that popularity which had assisted them in obtaining it; and men repined, that regulations, which were occasionally established for the reformation of the state, were likely to become perpetual, and to



subvert entirely the ancient constitution. They were apprehensive lest the power of the nobles, always oppressive, should now exert itself without control, by removing the counterpoise of the crown; and their fears were increased by some new edicts of the barons, which were plainly calculated to procure to themselves an impunity in all their violences. They appointed that the circuits of the itinerant justices, the sole check on their arbitrary conduct, should be held only once in seven years, and men easily saw that a remedy which returned after such long intervals, against an oppressive power which was perpetual, would prove totally insignificant and useless.<sup>101</sup> The cry became loud in the nation, that the barons should finish their intended regulations. The knights of the shires, who seem now to have been pretty regularly assembled, and sometimes in a separate house, made remonstrances against the slowness of their proceedings. They represented that, though the king had performed all the conditions required of him, the barons had hitherto done nothing for the public good, and had only been careful to promote their own private advantage, and to make inroads on royal authority; and they even appealed to Prince Edward, and claimed his interposition for the interests of the nation, and the reformation of the government.<sup>102</sup> The prince replied that, though it was from constraint, and contrary to his private sentiments, he had sworn to maintain the provisions of Oxford, he was determined to observe his oath: but he sent a message to the barons, requiring them to bring their undertaking to a speedy conclusion, and fulfil their engagements to the public: otherwise, he menaced them, that at the expense of his life, he would oblige them to do their duty, and would shed the last drop of his blood in promoting the interests and satisfying the just wishes of the nation.<sup>103</sup>

The barons, urged by so pressing a necessity, published at last a new code of ordinances for the reformation of the state: <sup>104</sup> but the expectations of the people were extremely disappointed when they found that these consisted only of some trivial alterations in the municipal law; and still more, when the barons pretended that the task was not yet finished and that they must further prolong their authority, in order to bring the work of reformation to the desired period.

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<sup>98</sup>..... M. Paris, p. 667. Trivet, p. 209.

<sup>99</sup>..... Ann. Burt. p. 427.

<sup>100</sup>..... Ann Burt. p. 427.

<sup>101</sup>..... Ann. Burt. p. 428, 439

The current of popularity was now much turned to the side of the crown; and the barons had little, to rely on for their support besides the private influence and power of their families, which, though exorbitant, was likely to prove inferior to the combination of king and people. Even this basis of power was daily weakened by their intestine jealousies and animosities; their ancient and inveterate quarrels broke out when they came to share the spoils of the crown; and the rivalry between the earls of Leicester and Gloucester, the chief leaders among them, began to disjoint the whole confederacy. The latter, more moderate in his pretensions, was desirous of stopping or retarding the career of the barons' usurpations; but the former, enraged at the opposition which, he met with in his own party, pretended to throw up all concern in English affairs; and he retired into France.<sup>105</sup>.....

The kingdom of France, the only state with which England had any considerable intercourse, was at this time governed by Lewis IX., a prince of the most singular character that is to be met with in all the records of history. This monarch united to the mean and abject superstition of a monk all the courage and magnanimity of the greatest hero; and, what may be deemed more extraordinary, the justice and integrity of a disinterested patriot, the mildness and humanity of an accomplished philosopher. So far from taking advantage of the divisions among the English, or attempting to expel those dangerous rivals from the provinces which they still possessed in France, he had entertained many scruples with regard to the sentence of attainder pronounced against the king's father, had even expressed some intention of restoring the other provinces, and was only prevented from taking that imprudent resolution by the united remonstrances of his own barons, who represented the extreme danger of such a measure,<sup>106</sup>..... and, what had a greater influence on Lewis,

the justice of punishing by a legal sentence the barbarity and felony of John. Whenever this prince interposed in English affairs, it was always with an intention of composing the differences between the king and his nobility: he recommended to both parties every peaceable and reconciling measure; and he used all his authority with the earl of Leicester, his native subject, to bend him to a compliance with Henry.

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<sup>102</sup> Chron. Dunst. vol. i. p. 348.

<sup>103</sup> M. Paris, p. 604.

He made a treaty with England at a time when the distractions of that kingdom were at the greatest height, and when the king's authority was totally annihilated; and the terms which he granted might, even in a more prosperous state of their affairs, be deemed reasonable and advantageous to the English. He yielded up some territories which had been conquered from Poictou and Guienne; he insured the peaceable possession of the latter province to Henry; he agreed to pay that prince a large sum of money; and he only required that the king should, in return, make a final cession of Normandy and the other provinces, which he could never entertain any hopes of recovering by force of arms.<sup>107</sup> This cession was ratified by Henry, by his two sons and two daughters, and by the king of the Romans and his three sons: Leicester alone, either moved by a vain arrogance, or desirous to ingratiate himself with the English populace, protested against the deed, and insisted on the right, however distant, which might accrue to his consort.<sup>108</sup> Lewis saw in his obstinacy the unbounded ambition of the man; and as the barons insisted that the money due by treaty should be at their disposal, not at Henry's, he also saw, and probably with regret, the low condition to which this monarch, who had more erred from weakness than from any bad intentions, was reduced by the turbulence of his own subjects.

But the situation of Henry soon after wore a more favorable aspect. The <sup>1261</sup> twenty-four barons had now enjoyed the sovereign power near three years; and had visibly employed it, not for the reformation of the state, which was their first pretence, but for the aggrandizement of themselves and of their

families. The breach of trust was apparent to all the world: every order of men felt it, and murmured against it: the dissensions among the barons themselves, which increased the evil, made also the remedy more obvious and easy: and the secret desertion in particular of the earl of Gloucester to the crown, seemed to promise Henry certain success in any attempt to resume his authority. Yet durst he not take that step, so reconcilable both to justice and policy, without making a previous application to Rome, and desiring an absolution from his oaths and engagements.<sup>109</sup>

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<sup>104</sup> Rymer, vol. i. p. 675. M. Paris, p. 566. Chron. T. Wykes, p. 53. Trivet, p. 208. M. West. p. 371.

<sup>105</sup> Chron. T. Wykes, p. 53.

<sup>106</sup> Ann. Burt. p. 389.

The pope was at this time much dissatisfied with the conduct of the barons; who, in order to gain the favor of the people and clergy of England, had expelled all the Italian ecclesiastics, had confiscated their benefices, and seemed determined to maintain the liberties and privileges of the English church, in which the rights of patronage belonging to their own families were included. The extreme animosity of the English clergy against the Italians was also a source of his disgust to the order; and an attempt which had been made by them for further liberty and greater independence on the civil power, was therefore less acceptable to the court of Rome.<sup>110</sup> About the same time that the barons at Oxford had annihilated the prerogatives of the monarchy, the clergy met in a synod at Merton, and passed several ordinances, which were no less calculated to promote their own grandeur at the expense of the crown. They decreed, that it was unlawful to try ecclesiastics by secular judges; that the clergy were not to regard any prohibitions from civil courts; that lay patrons had no right to confer spiritual benefices; that the magistrate was obliged, without further inquiry, to imprison all excommunicated persons; and that ancient usage, without any particular grant or charter, was a sufficient authority for any clerical possessions or privileges.<sup>111</sup> About a century before, these claims would have been supported by the court of Rome beyond the most

fundamental articles of faith: they were the chief points maintained by the great martyr Becket; and his resolution in defending them had exalted him to the high station which he held in the catalogue of Romish saints. But principles were changed with the times: the pope was become somewhat jealous of the great independence of the English clergy, which made them stand less in need of his protection, and even imboldened them to resist his authority, and to complain of the preference given to the Italian courtiers, whose interests, it is natural to imagine, were the chief object of his concern. He was ready, therefore, on the king's application, to annul these new constitutions of the church of England.<sup>112</sup> And, at the same time, he absolved the king and all his subjects from the oath which they had taken to observe the provisions of Oxford.<sup>113</sup>

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<sup>107</sup> Rymer, vol. i. p. 755.

<sup>108</sup> Ann. Burt. p. 389.

<sup>109</sup> Rymer, vol. i. p. 755.

<sup>110</sup> Rymer, vol. i. p. 722. M. Paris, p. 666. W. Heming, p. 580. Ypod. Neust. p; 468. Knyghton, p. 2446.

Prince Edward, whose liberal mind, though in such early youth, had taught him the great prejudice which his father had incurred by his levity, inconstancy, and frequent breach of promise, refused for a long time to take advantage of thus absolution; and declared that the provisions of Oxford, how unreasonable soever in themselves, and how much soever abused by the barons, ought still to be adhered to by those who had sworn to observe them:<sup>114</sup> he himself had been constrained by violence to take that oath; yet was he determined to keep it. By this scrupulous fidelity the prince acquired the confidence of all parties, and was afterwards enabled to recover fully the royal authority, and to perform such great actions both during his own reign and that of his father.

The situation of England, during this period, as well as that of most European kingdoms, was somewhat peculiar. There was no regular military force maintained in the nation: the sword, however, was not, properly speaking, in the hands of the people; the barons were alone

intrusted with the defence of the community; and after any effort which they made, either against their own prince or against foreigners, as the military retainers departed home, the armies were disbanded, and could not speedily be reassembled at pleasure. It was easy, therefore, for a few barons, by a combination, to get the start of the other party, to collect suddenly their troops, and to appear unexpectedly in the field with an army, which their antagonists, though equal or even superior in power and interest, would not dare to encounter. Hence the sudden revolutions which often took place in those governments; hence the frequent victories obtained without a blow by one faction over the other; and hence it happened, that the seeming prevalence of a party was seldom a prognostic of its long continuance in power and authority.

The king, as soon as he received the pope's absolution from his oath, <sup>1262</sup> accompanied with menaces of excommunication against all opponents, trusting to the countenance of the church, to the support promised him by many considerable barons, and to the returning favor of the people, immediately took off the mask. After justifying his conduct by a proclamation, in which he set forth the private ambition and the breach of trust conspicuous in Leicester and his associates, he declared that he had resumed the government, and was determined thenceforth to exert the royal authority for the protection of his subjects.

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<sup>111</sup> M. Paris. D. 667.

He removed Hugh le Despenser and Nicholas de Ely, the justiciary and chancellor appointed by the barons; and put Philip Basset and Walter de Merton in their place. He substituted new sheriffs in all the counties, men of character and honor; he placed new governors in most of the castles; he changed all the officers of his household; he summoned a parliament, in which the resumption of his authority was ratified, with only five dissenting voices; and the barons, after making one fruitless effort to take the king by surprise at Winchester, were obliged to acquiesce in those new regulations.<sup>115</sup>

The king, in order to cut off every objection to his conduct, offered to refer all the differences between him and the earl of Leicester to Margaret, queen of France.<sup>116</sup> The celebrated integrity of Lewis gave a mighty influence to any decision which issued from his court; and Henry probably hoped, that the gallantry on which all barons, as true knights, valued themselves, would make them ashamed not to submit to the award of that princess. Lewis merited the confidence reposed in him. By an admirable conduct, probably as political as just, he continually interposed his good offices to allay the civil discords of the English: he forwarded all healing measures which might give security to both parties: and he still endeavored, though in vain, to soothe by persuasion the fierce ambition of the earl of Leicester, and to convince him how much it was his duty to submit peaceably to the authority of his sovereign.

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<sup>112</sup> M. Paris, p. 668. Chron. T. Wykes, p. 55.

<sup>113</sup> Rymer, vol. i. p. 724.

That bold and artful conspirator was nowise discouraged by the <sup>1263</sup> bad success of his past enterprises. The death of Richard, earl of Gloucester, who was his chief rival in power, and who, before his decease, had joined the royal party seemed to open a new field to his violence, and to expose the throne to fresh insults and injuries. It was in vain that the king professed his intentions of observing strictly the great charter, even of maintaining all the regulations made by the reforming barons at Oxford or afterwards, except those which entirely annihilated the royal authority; these powerful chieftains, now obnoxious to the court, could not peaceably resign the hopes of entire independence and uncontrolled power with which they had flattered themselves, and which they had so long enjoyed. Many of them engaged in Leicester's views, and among the rest, Gilbert, the young earl of Gloucester, who brought him a mighty accession of power, from the extensive authority possessed by that opulent family. Even Henry, son of the king of the Romans, commonly called Henry d'Allmaine, though a prince of the blood, joined the party of the barons against the king, the head of his own family Leicester himself, who still resided in

France, secretly formed the links of this great conspiracy, and planned the whole scheme of operations.

The princes of Wales, notwithstanding the great power of the monarchs both of the Saxon and Norman line, still preserved authority in their own country. Though they had often been constrained to pay tribute to the crown of England, they were with difficulty retained in subordination or even in peace; and almost through every reign since the conquest, they had infested the English frontiers with such petty incursions and sudden inroads, as seldom merit to have place in a general history. The English, still content with repelling their invasions, and chasing them back into their mountains, had never pursued the advantages obtained over them, nor been able, even under their greatest and most active princes, to fix a total, or so much as a feudal subjection on the country. This advantage was reserved to the present king, the weakest and most indolent. In the year 1237, Lewellyn, prince of Wales, declining in years and broken with infirmities, but still more harassed with the rebellion and undutiful behavior of his youngest son Griffin, had recourse to the protection of Henry; and consenting to subject his principality, which had so long maintained, or soon recovered, its independence to vassalage under the crown of England, had purchased security and tranquillity on these dishonorable terms. His eldest son and heir, David, renewed the homage to England; and having taken his brother prisoner, delivered him into Henry's hands, who committed him to custody in the Tower. That prince, endeavoring to make his escape, lost his life in the attempt; and the prince of Wales, freed from the apprehensions of so dangerous a rival, paid thenceforth less regard to the English monarch, and even renewed those incursions by which the Welsh, during so many ages, had been accustomed to infest the English borders. Lewellyn, however, the foil of Griffin, who succeeded to his uncle, had been obliged to renew the homage which was now claimed by England as an established right; but he was well pleased to inflame those civil discords, on which he rested his present security and founded his hopes of future independence. He entered into a confederacy with the earl of Leicester, and collecting all the force of his principality, invaded England with an army of thirty thousand men. He ravaged the lands of Roger de Mortimer, and of all the barons who adhered to the crown;<sup>117</sup> he marched into Cheshire, and



committed like depredations on Prince Edward's territories; every place where his disorderly troops appeared was laid waste with fire and sword; and though Mortimer, a gallant and expert soldier, made stout resistance, it was found necessary that the prince himself should head the army against this invader. Edward repulsed Prince Lewellyn, and obliged him to take shelter in the mountains of North Wales: but he was prevented from making further progress against the enemy by the disorders which soon after broke out in England.

The Welsh invasion was the appointed signal for the malecontent barons to rise in arms; and Leicester, coming over secretly from France, collected all the forces of his party, and commenced an open rebellion. He seized the person of the bishop of Hereford, a prelate obnoxious to all the inferior clergy, on account of his devoted attachment to the court of Rome.<sup>118</sup> Simon, bishop of Norwich, and John Mansel, because they had published the pope's bull, absolving the king and kingdom from their oaths to observe the provisions of Oxford, were made prisoners, and exposed to the rage of the party. The king's demesnes were ravaged with unbounded fury,<sup>119</sup> and as it was Leicester's interest to allure to his side, by the hopes of plunder, all the disorderly ruffians in England he gave them a general license to pillage the barons of the opposite party, and even all neutral persons.

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<sup>114</sup> Chron. Dunst. vol. i. p. 354.

<sup>115</sup> Trivet, p. 211. M. West. p. 382, 392.

<sup>116</sup> Trivet, p. 211. M. West. p. 382.

But one of the principal resources of his faction was the populace of the cities, particularly of London; and as he had, by his hypocritical pretensions to sanctity, and his zeal against Rome, engaged the monks and lower ecclesiastics in his party, his dominion over the inferior ranks of men became uncontrollable. Thomas Fitz-Richard, mayor of London, a furious and licentious man, gave the countenance of authority to these disorders in the capital; and having declared war against the substantial citizens, he loosened all the bands of government, by which that turbulent

city was commonly but ill restrained. On the approach of Easter, the zeal of superstition, the appetite for plunder, or what is often as prevalent with the populace as either of these motives, the pleasure of committing havoc and destruction, prompted them to attack the unhappy Jews, who were first pillaged without resistance, then massacred, to the number of five hundred persons.<sup>120</sup> The Lombard bankers were next exposed to the rage of the people; and though, by taking sanctuary in the churches, they escaped with their lives, all their money and goods became a prey to the licentious multitude. Even the houses of the rich citizens, though English, were attacked by night; and way was made by sword and by fire to the pillage of their goods, and often to the destruction of their persons. The queen, who, though defended by the Tower, was terrified by the neighborhood of such dangerous commotions, resolved to go by water to the Castle of Windsor; but as she approached the bridge, the populace assembled against her: the cry ran, "Drown the witch;" and besides abusing her with the most opprobrious language, and pelting her with rotten eggs and dirt, they had prepared large stones to sink her barge, when she should attempt to shoot the bridge; and she was so frightened, that she returned to the Tower.<sup>121</sup>

The violence and fury of Leicester's faction had risen to such a height in all parts of England, that the king, unable to resist their power, was obliged to set on foot a treaty of peace, and to make an accommodation with the barons on the most disadvantageous terms.<sup>122</sup>

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<sup>117</sup> Chron T. Wykes, p. 59.

<sup>118</sup> Chron. T. Wykes, p. 57.

<sup>119</sup> Chron. Dunst. vol. i. p. 358. Trivet, p. 211.

He agreed to confirm anew the provisions of Oxford, even those which entirely annihilated the royal authority; and the barons were again reinstated in the sovereignty of the kingdom. They restored Hugh le Despenser to the office of chief justiciary: they appointed their own creatures sheriffs in every county of England; they took possession of all the royal castles and fortresses; they even named all the officers of the

king's household; and they summoned a parliament to meet at Westminster, in order to settle more fully their plan of government. They here produced a new list of twenty-four barons, to whom they proposed that the administration should be entirely committed; and they insisted that the authority of this junto should continue not only during the reign of the king, but also during that of Prince Edward.

This prince, the life and soul of the royal party, had unhappily, before the king's accommodation with the barons, been taken prisoner by Leicester in a parley at Windsor;<sup>123</sup> and that misfortune, more than any other incident, had determined Henry to submit to the ignominious conditions imposed upon him. But Edward, having recovered his liberty by the treaty, employed his activity in defending the prerogatives of his family; and he gained a great party even among those who had at first adhered to the cause of the barons. His cousin, Henry d'Allmaine, Roger Bigod, earl mareschal, Earl Warrenne, Humphrey Bohun, earl of Hereford, John Lord Basset, Ralph Basset, Hammond l'Estrange, Roger Mortimer, Henry de Piercy, Robert de Brus, Roger de Leybourne, with almost all the lords marchers, as they were called, on the borders of Wales and of Scotland, the most warlike parts of the kingdom, declared in favor of the royal cause; and hostilities, which were scarcely well composed, were again renewed in every part of England. But the near balance of the parties, joined to the universal clamor of the people, obliged the king and barons to open anew the negotiations for peace; and it was agreed by both sides to submit their differences to the arbitration of the king of France.<sup>124</sup>

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<sup>120</sup> M. Paris, p. 669. Trivet, p. 213.

<sup>121</sup> M. Paris, p. 668, Chron. T. Wykes, p. 58. W. Heming, p. 580. Chron. Dunst. vol. i. p. 363.

This virtuous prince, the only man, who, in like circumstances, <sup>1264</sup> could safely have been intrusted with such an authority by a neighboring nation, had never ceased to interpose his good offices between the English factions, and had, even, during the short interval of peace, invited over to Paris both the king and the earl of Leicester, in order to accommodate the

differences between them, but found that the fears and animosities on both sides, as well as the ambition of Leicester, were so violent, as to render all his endeavors ineffectual. But when this solemn appeal, ratified by the oaths and subscriptions of the leaders in both factions, was made to his judgment, he was not discouraged from pursuing his honorable purpose: he summoned the states of France at Amiens; and there, in the presence of that assembly, as well as in that of the king of England and Peter de Mountfort, Leicester's son, he brought this great cause to a trial and examination. It appeared to him, that the provisions of Oxford, even had they not been extorted by force, had they not been so exorbitant in their nature and subversive of the ancient constitution, were expressly established as a temporary expedient, and could not, without breach of trust, be rendered perpetual by the barons. He therefore annulled these provisions; restored to the king the possession of his castles, and the power of nomination to the great offices; allowed him to retain what foreigners he pleased in his kingdom, and even to confer on them places of trust and dignity; and, in a word, reestablished the royal power in the same condition on which it stood before the meeting of the parliament at Oxford. But while he thus suppressed dangerous innovations, and preserved unimpaired the prerogatives of the English crown, he was not negligent of the rights of the people; and besides ordering that a general amnesty should be granted for all past offences, he declared, that his award was not anywise meant to derogate from the privileges and liberties which the nation enjoyed by any former concessions or charters of the crown.<sup>125</sup>

This equitable sentence was no sooner known in England, than Leicester and his confederates determined to reject it and to have recourse to arms, in order to procure to themselves more safe and advantageous conditions.<sup>126</sup>

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<sup>122</sup> Rymer, vol. i. p. 776, 777, etc. Chron. T. Wykes, p. 58. Knyghton, p. 2446.

<sup>123</sup> Chron. Dunst. vol. i. p. 363.

Without regard to his oaths and subscriptions, that enterprising conspirator directed his two sons, Richard and Peter de Mountfort, in conjunction with Robert de Ferrers, earl of Derby, to attack the city of Worcester; while Henry and Simon de Mountfort, two others of his sons, assisted by the prince of Wales, were ordered to lay waste the estate of Roger de Mortimer. He himself resided at London; and employing as his instrument Fitz-Richard, the seditious mayor, who had violently and illegally prolonged his authority, he wrought up that city to the highest ferment and agitation. The populace formed themselves into bands and companies; chose leaders; practised all military exercises; committed violence on the royalists; and to give them greater countenance in their disorders, an association was entered into between the city and eighteen great barons, never to make peace with the king but by common consent and approbation. At the head of those who swore to maintain this association, were the earls of Leicester, Gloucester, and Derby, with Le Despenser, the chief justiciary; men who had all previously sworn to submit to the award of the French monarch. Their only pretence for this breach of faith was, that the latter part of Lewis's sentence was, as they affirmed, a contradiction to the former. He ratified the charter of liberties, yet annulled the provisions of Oxford, which were only calculated, as they maintained, to preserve that charter; and without which, in their estimation, they had no security for its observance.

The king and prince, finding a civil war inevitable, prepared themselves for defence; and summoning the military vassals from all quarters, and being reinforced by Baliol, lord of Galloway, Brus, lord of Annandale, Henry Piercy, John Comyn,<sup>127</sup> and other barons of the north, they composed an army, formidable as well from its numbers as its military prowess and experience. The first enterprise of the royalists was the attack of Northampton, which was defended by Simon de Mountfort, with many of the principal barons of that party: and a breach being made in the walls by Philip Basset, the place was carried by assault, and both the governor and the garrison were made prisoners. The royalists marched thence to Leicester and Nottingham; both which places having opened their gates to them, Prince Edward proceeded with a detachment into the county of Derby, in order to ravage with fire and sword the lands of the earl of that name, and take revenge on him for his disloyalty. Like maxims

of war prevailed with both parties throughout England; and the kingdom was thus exposed in a moment to greater devastation, from the animosities of the rival barons, than it would have suffered from many years of foreign or even domestic hostilities, conducted by more humane and more generous principles.

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<sup>124</sup> Rymer, vol. i. p. 772. M. West. p. 385. Ypod. Neust. p. 469.

The earl of Leicester, master of London, and of the counties in the south-east of England, formed the siege of Rochester, which alone declared for the king in those parts, and which, besides Earl Warrenne, the governor, was garrisoned by many noble and powerful barons of the royal party. The king and prince hastened from Nottingham, where they were then quartered, to the relief of the place; and on their approach, Leicester raised the siege and retreated to London, which, being the centre of his power, he was afraid might, in his absence, fall into the king's hands, either by force or by a correspondence with the principal citizens, who were all secretly inclined to the royal cause. Reënforced [2unusual spelling but that is what it looks like] by a great body of Londoners, and having summoned his partisans from all quarters, he thought himself strong enough to hazard a general battle with the royalists, and to determine the fate of the nation in one great engagement, which, if it proved successful, must be decisive against the king, who had no retreat for his broken troops in those parts, while Leicester himself, in case of any sinister accident, could easily take shelter in the city. To give the better coloring to his cause, he previously sent a message with conditions of peace to Henry, submissive in the language, but exorbitant in the demands;<sup>128</sup> and when the messenger returned with the lie and defiance from the king, the prince, and the king of the Romans, he sent a new message, renouncing, in the name of himself and of the associated barons, all fealty and allegiance to Henry. He then marched out of the city with his army, divided into four bodies: the first commanded by his two sons, Henry and Guy de Mountfort, together with Humphrey de Bohun, earl of Hereford, who had deserted to the barons; the second led by the earl of Gloucester, with William de Montchesney and John Fitz-John; the third, composed of Londoners, under the command of

Nicholas de Segrave; the fourth headed by himself in person. The bishop of Chichester gave a general absolution to the army, accompanied with assurances, that, if any of them fell in the ensuing action, they would infallibly be received into heaven, as the reward of their suffering in so meritorious a cause.

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<sup>125</sup>..... M. Paris, p. 669. W. Heming. p. 583.

Leicester, who possessed great talents for war, conducted his march with such skill and secrecy, that he had well nigh surprised the royalists in their quarters at Lewes, in Sussex, but the vigilance and activity of Prince Edward soon repaired this negligence; and he led out the king's army to the field in three bodies. He himself conducted the van, attended by Earl Warrenne and William de Valence; the main body was commanded by the king of the Romans and his son Henry; the king himself was placed in the rear at the head of his principal nobility. Prince Edward rushed upon the Londoners who had demanded the post of honor in leading the rebel army, but who, from their ignorance of discipline and want of experience, were ill fitted to resist the gentry and military men, of whom the prince's body was composed. They were broken in an instant; were chased off the field; and Edward, transported by his martial ardor, and eager to revenge the insolence of the Londoners against his mother,<sup>129</sup>..... put them to the sword for the length of four miles, without giving them any quarter, and without reflecting on the fate which in the mean time attended the rest of the army. The earl of Leicester, seeing the royalists thrown into confusion by their eagerness in the pursuit, led on his remaining troops against the bodies commanded by the two royal brothers: he defeated with great slaughter the forces headed by the king of the Romans; and that prince was obliged to yield himself prisoner to the earl of Gloucester: he penetrated to the body where the king himself was placed, threw it into disorder, pursued his advantage, chased it into the town of Lewes, and obliged Henry to surrender himself prisoner.<sup>130</sup>.....

Prince Edward, returning to the field of battle from his precipitate pursuit of the Londoners, was astonished to find it covered with the dead bodies of his friends, and still more to hear that his father and uncle were

defeated and taken prisoners, and that Arundel, Comyn, Brus, Hamond l'Estrange, Roger Leybourne, and many considerable barons of his party were in the hands of the victorious enemy. Earl Warrenne, Hugh Bigod, and William de Valence, struck with despair at this event, immediately took to flight, hurried to Pevensey, and made their escape beyond sea:<sup>131</sup> but the prince, intrepid amidst the greatest disasters, exhorted his troops to revenge the death of their friends, to relieve the royal captives, and to snatch an easy conquest from an enemy disordered by their own victory.<sup>132</sup> He found his followers intimidated by their situation, while Leicester, afraid of a sudden and violent blow from the prince, amused him by a feigned negotiation, till he was able to recall his troops from the pursuit, and to bring them into order.<sup>133</sup>

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<sup>126</sup> M. Paris, p. 670. Chron. T. Wykes, P 62

<sup>127</sup> W. Heming. p. 583 M. West p. 337. Ypod. Neust. p. 469.

<sup>128</sup> Kynghton, p. 2450.

<sup>129</sup> M. Paris, p. 670.

<sup>130</sup> Chron. T. Wyke, p. 63. W. Heming. p. 584.

<sup>131</sup> W. Heming. p. 581.

There now appeared no further resource to the royal party, surrounded by the armies and garrisons of the enemy, destitute of forage and provisions, and deprived of their sovereign, as well as of their principal leaders, who could alone inspire them to an obstinate resistance. The prince, therefore, was obliged to submit to Leicester's terms, which were short and severe, agreeably to the suddenness and necessity of the situation. He stipulated that he and Henry d'Allmaine should surrender themselves prisoners as pledges in lieu of the two kings; that all other prisoners on both sides should be released;<sup>134</sup> and that in order to settle fully the terms of agreement, application should be made to the king of France, that he should name six Frenchmen, three prelates and three noblemen; these six to choose two others of their own country, and these two to choose one Englishman, who, in conjunction with themselves, were to be invested by



both parties with full powers to make what regulations they thought proper for the settlement of the kingdom. The prince and young Henry accordingly delivered themselves into Leicester's hands, who sent them under a guard to Dover Castle. Such are the terms of agreement, commonly called the Mise of Lewes, from an obsolete French term of that meaning; for it appears that all the gentry and nobility of England, who valued themselves on their Norman extraction, and who disdained the language of their native country, made familiar use of the French tongue till this period, and for some time after.

Leicester had no sooner obtained this great advantage and gotten the whole royal family in his power, than he openly violated every article of the treaty, and acted as sole master, and even tyrant of the kingdom. He still detained the king in effect a prisoner, and made use of that prince's authority to purposes the most prejudicial to his interests, and the most oppressive of his people.<sup>135</sup> He every where disarmed the royalists, and kept all his own partisans in, a military posture:<sup>136</sup> he observed the same partial conduct in the deliverance of the captives, and even threw many of the royalists into prison, besides those who were taken in the battle of Lewes; he carried the king from place to place, and obliged all the royal castles, on pretence of Henry's commands, to receive a governor and garrison of his own appointment.

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<sup>132</sup> M. Paris, p. 671. Knyghton, p. 2451.

<sup>133</sup> Rymer, vol. i. p. 790, 791, etc.

<sup>134</sup> Rymer, vol. i. p. 795. Brady's Appeals, No. 211, 212. Chron. T. Wykes, p. 63.

All the officers of the crown and of the household were named by him, and the whole authority, as well as arms of the state, was lodged in his hands: he instituted in the counties a new kind of magistracy, endowed with new and arbitrary powers, that of conservators of the peace;<sup>137</sup> his avarice appeared bare-faced, and might induce us to question the greatness of his ambition, at least the largeness of his mind, if we had not reason to think that he intended to employ his acquisitions as the instruments for

attaining further power and grandeur. He seized the estates of no less than eighteen barons as his share of the spoil gained in the battle of Lewes: he engrossed to himself the ransom of all the prisoners; and told his barons, with a wanton insolence, that it was sufficient for them that he had saved them by that victory from the forfeitures and attainders which hung over them:<sup>138</sup> he even treated the earl of Gloucester in the same injurious manner, and applied to his own use the ransom of the king of the Romans, who in the field of battle had yielded himself prisoner to that nobleman. Henry, his eldest son, made a monopoly of all the wool in the kingdom, the only valuable commodity for foreign markets which it at that time produced.<sup>139</sup> The inhabitants of the cinque ports, during the present dissolution of government, betook themselves to the most licentious piracy, preyed on the ships of all nations, threw the mariners into the sea, and by these practices, soon banished all merchants from the English coasts and harbors. Every foreign commodity rose to an exorbitant price, and woollen cloth, which the English had not then the art of dyeing, was worn by them white, and without receiving the last hand of the manufacturer. In answer to the complaints which arose on this occasion, Leicester replied that the kingdom could well enough subsist within itself, and needed no intercourse with foreigners. And it was found that he even combined with the pirates of the cinque ports, and received as his share the third of their prizes.<sup>140</sup>

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<sup>135</sup> Rymer, vol. i. p. 792.

<sup>136</sup> Knyghton, p. 2451.

<sup>137</sup> Chron. T. Wykes, p. 65.

<sup>138</sup> Chron. T. Wykes, p. 6.

No further mention was made of the reference to the king of France, so essential an article in the agreement of Lewes; and Leicester summoned a parliament, composed altogether of his own partisans, in order to rivet, by their authority, that power which he had acquired by so much violence, and which he used with so much tyranny and injustice. An ordinance was there passed, to which the king's consent had been previously extorted,

that every act of royal power should be exercised by a council of nine persons, who were to be chosen and removed by the majority of three, Leicester himself, the earl of Gloucester, and the bishop of Chichester.<sup>141</sup> By this intricate plan of government, the sceptre was really put into Leicester's hands; as he had the entire direction of the bishop of Chichester, and thereby commanded all the resolutions of the council of three, who could appoint or discard at pleasure every member of the supreme council.

But it was impossible that things could long remain in this strange situation. It behoved Leicester either to descend with some peril into the rank of a subject, or to mount up with no less into that of a sovereign; and his ambition, unrestrained either by fear or by principle, gave too much reason to suspect him of the latter intention. Meanwhile he was exposed to anxiety from every quarter; and felt that the smallest incident was capable of overturning that immense and ill-cemented fabric which he had reared. The queen, whom her husband had left abroad, had collected in foreign parts an army of desperate adventurers, and had assembled a great number of ships, with a view of invading the kingdom, and of bringing relief to her unfortunate family. Lewis, detesting Leicester's usurpations and perjuries, and disgusted at the English barons, who had refused to submit to his award, secretly favored all her enterprises, and was generally believed to be making preparations for the same purpose. An English army, by the pretended authority of the captive king, was assembled on the sea-coast, to oppose this projected invasion;<sup>142</sup> but Leicester owed his safety more to cross winds, which long detained and at last dispersed and ruined the queen's fleet, than to any resistance which, in their present situation, could have been expected from the English.

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<sup>139</sup> Rymer, vol. i. p. 793. Brady's Appeals, No. 213.

<sup>140</sup> Brady's Appeals, No. 216, 217. Chron. Dunst. vol. i. p 373 M. West, p. 385.

Leicester found himself better able to resist the spiritual thunders which were levelled against him. The pope, still adhering to the king's cause

against the barons, despatched Cardinal Guido as his legate into England, with orders to excommunicate by name the three earls, Leicester, Gloucester, and Norfolk, and all others in general, who concurred in the oppression and captivity of their sovereign.<sup>143</sup> Leicester menaced the legate with death if he set foot within the kingdom; but Guido, meeting in France the bishops of Winchester, London, and Worcester, who had been sent thither on a negotiation, commanded them, under the penalty of ecclesiastical censures, to carry his bull into England, and to publish it against the barons. When the prelates arrived off the coast, they were boarded by the piratical mariners of the cinque ports, to whom probably they gave a hint of the cargo which they brought along with them: the bull was torn and thrown into the sea; which furnished the artful prelates with a plausible excuse for not obeying the orders of the legate. Leicester appealed from Guido to the pope in person; but before the ambassadors appointed to defend his cause could reach Rome, the pope was dead; and they found the legate himself, from whom they had appealed, seated on the papal throne, by the name of Urban IV. That daring leader was nowise dismayed with this incident; and as he found that a great part of his popularity in England was founded on his opposition to the court of Rome, which was now become odious, he persisted with the more obstinacy in the prosecution of his measures.

That he might both increase and turn to advantage his popularity, <sup>1265</sup>. Leicester summoned a new parliament in London, where he knew his power was uncontrollable; and he fixed this assembly on a more democratical basis than any which had ever been summoned since the foundation of the monarchy. Besides the barons of his own party, and several ecclesiastics, who were not immediate tenants of the crown, he ordered returns to be made of two knights from each shire, and, what is more remarkable, of deputies from the boroughs, an order of men which, in former ages, had always been regarded as too mean to enjoy a place in the national councils.<sup>144</sup> This period is commonly esteemed the epoch of the house of commons in England; and it is certainly the first time that historians speak of any representatives sent to parliament by the boroughs and even in the most particular narratives delivered of parliamentary transactions, as in the trial of Thomas à Becket, where the events of each day, and almost of each hour, are carefully recorded by contemporary

authors,<sup>145</sup> there is not, throughout the whole, the least appearance of a house of commons.

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<sup>141</sup> Rymer, vol. i. p. 798. Chron. Dunst. vol. i. p. 373.

<sup>142</sup> Rymer, vol. i. p. 802.

<sup>143</sup> Fitz-Stephen, Hist. Quadrip. Hoveden, etc.

In all the general accounts given in preceding times of those assemblies, the prelates and barons only are mentioned as the constituent members. But though that house derived its existence from so precarious and even so invidious an origin as Leicester's usurpation, it soon proved, when summoned by the legal princes, one of the most useful, and, in process of time, one of the most powerful members of the national constitution; and gradually rescued the kingdom from aristocratical as well as from regal tyranny. But Leicester's policy, if we must ascribe to him so great a blessing, only forwarded by some years an institution, for which the general state of things had already prepared the nation; and it is otherwise inconceivable, that a plant, set by so inauspicious a hand, could have attained to so vigorous a growth, and have flourished in the midst of such tempests and convulsions. The feudal system, with which the liberty, much more the power of the commons, was totally incompatible, began gradually to decline; and both the king and the commonalty, who felt its inconveniencies, contributed to favor this new power, which was more submissive than the barons to the regular authority of the crown, and at the same time afforded protection to the inferior orders of the state.

Leicester, having thus assembled a parliament of his own model, and trusting to the attachment of the populace of London, seized the opportunity of crushing his rivals among the powerful barons. Robert de Ferrers, earl of Derby, was accused in the king's name, seized, and committed to custody, without being brought to any legal trial.<sup>146</sup> John Gifford, menaced with the same fate, fled from London, and took shelter in the borders of Wales. Even the earl of Gloucester, whose power and influence had so much contributed to the success of the barons, but who of late was extremely disgusted with Leicester's arbitrary conduct, found

himself in danger from the prevailing authority of his ancient confederate; and he retired from parliament.<sup>147</sup> This known dissension gave courage to all Leicester's enemies and to the king's friends; who were now sure of protection from so potent a leader.

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<sup>144</sup> Chron. T. Wykes, p. 66. Ann. Waverl. p. 216.

<sup>145</sup> M. Paris, p. 671. Ann. Waverl. p. 211.

Though Roger Mortimer, Hamond l'Estrange, and other powerful marchers of Wales, had been obliged to leave the kingdom, their authority still remained over the territories subjected to their jurisdiction; and there were many others who were disposed to give disturbance to the new government. The animosities inseparable from the feudal aristocracy, broke out with fresh violence, and threatened the kingdom with new convulsions and disorders.

The earl of Leicester, surrounded with these difficulties, embraced a measure, from which he hoped to reap some present advantages, but which proved in the end the source of all his future calamities. The active and intrepid Prince Edward had anguished in prison ever since the fatal battle of Lewes; and as he was extremely popular in the kingdom there arose a general desire of seeing him again restored to liberty.<sup>148</sup> Leicester, finding that he could with difficulty oppose the concurring wishes of the nation, stipulated with the prince, that, in return, he should order his adherents to deliver up to the barons all their castles, particularly those on the borders of Wales; and should swear neither to depart the kingdom during three years, nor introduce into it any foreign forces.<sup>149</sup> The king took an oath to the same effect, and he also passed a charter in which he confirmed the agreement or Mise of Lewes; and even permitted his subjects to rise in arms against him, if he should ever attempt to infringe it.<sup>150</sup> So little care did Leicester take, though he constantly made use of the authority of this captive prince, to preserve to him any appearance of royalty or kingly prerogatives.

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<sup>146</sup> Knyghton, p. 2451.

<sup>147</sup> Ann. Waverl. p. 216.

<sup>148</sup> Blackstone's Mag. Chart. Chron. Dunst. vol. i. p. 378.

In consequence of this treaty, Prince Edward was brought into Westminster Hall, and was declared free by the barons: but instead of really recovering his liberty, as he had vainly expected, he found that the whole transaction was a fraud on the part of Leicester; that he himself still continued a prisoner at large, and was guarded by the emissaries of that nobleman; and that, while the faction reaped all the benefit from the performance of his part of the treaty, care was taken that he should enjoy no advantage by it. As Gloucester, on his rupture with the barons, had retired for safety to his estates on the borders of Wales, Leicester followed him with an army to Hereford,<sup>151</sup> continued still to menace and negotiate, and that he might add authority to his cause, he carried both the king and prince along with him. The earl of Gloucester here concerted with young Edward the manner of that prince's escape. He found means to convey to him a horse of extraordinary swiftness; and appointed Roger Mortimer who had returned into the kingdom, to be ready at hand with a small party to receive the prince, and to guard him to a place of safety. Edward pretended to take the air with some of Leicester's retinue, who were his guards; and making matches between their horses, after he thought he had tired and blown them sufficiently, he suddenly mounted Gloucester's horse, and called to his attendants that he had long enough enjoyed the pleasure of their company, and now bade them adieu. They followed him for some time without being able to overtake him; and the appearance of Mortimer with his company put an end to their pursuit.

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<sup>149</sup> Chron. T. Wykes, p. 67. Ann. Waverl. p. 218. W. Heming, p. 585. Chron. Durst. vil. i. i. p. 383, 384.

The royalists, secretly prepared for this event, immediately flew to arms; and the joy of this gallant prince's deliverance, the oppressions under which the nation labored, the expectation of a new scene of affairs, and the countenance of the earl of Gloucester, procured Edward an army which

Leicester was utterly unable to withstand. This nobleman found himself in a remote quarter of the kingdom; surrounded by his enemies; barred from all communication with his friends by the Severn, whose bridges Edward had broken down; and obliged to fight the cause of his party under these multiplied disadvantages. In this extremity he wrote to his son, Simon de Mountfort, to hasten from London with an army for his relief; and Simon had advanced to Kenilworth with that view, where, fancying that all Edward's force and attention were directed against his father, he lay secure and unguarded. But the prince, making a sudden and forced march, surprised him in his camp, dispersed his army, and took the earl of Oxford and many other noblemen prisoners, almost without resistance. Leicester, ignorant of his son's fate, passed the Severn in boats during Edward's absence, and lay at Evesham, in expectation of being every hour joined by his friends from London; when the prince, who availed himself of every favorable moment, appeared in the field before him. Edward made a body of his troops advance from the road which led to Kenilworth, and ordered them to carry the banners taken from Simon's army; while he himself, making a circuit with the rest of his forces, purposed to attack the enemy on the other quarter. Leicester was long deceived by this stratagem, and took one division of Edward's army for his friends; but at last, perceiving his mistake, and observing the great superiority and excellent disposition of the royalists, he exclaimed, that they had learned from him the art of war; adding, "The Lord have mercy on our souls, for I see our bodies are the prince's!" The battle immediately began, though on very unequal terms. Leicester's army, by living in the mountains of Wales without bread, which was not then much used among the inhabitants, had been extremely weakened by sickness and desertion, and was soon broken by the victorious royalists; while his Welsh allies, accustomed only to a desultory kind of war, immediately took to flight, and were pursued with great slaughter. Leicester himself, asking for quarter, was slain in the heat of the action, with his eldest son Henry, Hugh le Despenser, and about one hundred and sixty knights, and many other gentlemen of his party. The old king had been purposely placed by the rebels in the front of the battle, and being clad in armor, and thereby not known by his friends, he received a wound, and was in danger of his life; but crying out, "I am Henry of



Winchester, your king," he was saved, and put in a place of safety by his son, who flew to his rescue.

The violence, ingratitude, tyranny, rapacity, and treachery of the earl of Leicester, give a very bad idea of his moral character, and make us regard his death as the most fortunate event which, in this conjuncture, could have happened to the English nation: yet must we allow the man to have possessed great abilities, and the appearance of great virtues, who, though a stranger, could, at a time when strangers were the most odious and the most universally decried, have acquired so extensive an interest in the kingdom, and have so nearly paved his way to the throne itself. His military capacity, and his political craft, were equally eminent: he possessed the talents both of governing men and conducting business; and though his ambition was boundless, it seems neither to have exceeded his courage nor his genius; and he had the happiness of making the low populace, as well as the haughty barons, coöperate towards the success of his selfish and dangerous purposes. A prince of greater abilities and vigor than Henry might have directed the talents of this nobleman either to the exaltation of his throne or to the good of his people but the advantages given to Leicester, by the weak and variable administration of the king, brought on the ruin of royal authority, and produced great confusions in the kingdom which, however, in the end, preserved and extremely improved national liberty and the constitution. His popularity, even after his death, continued so great, that, though he was excommunicated by Rome, the people believed him to be a saint; and many miracles were said to be wrought upon his tomb.<sup>152</sup>

The victory of Evesham, with the death of Leicester, proved decisive in <sup>1266</sup> favor of the royalists, and made an equal though an opposite impression on friends and enemies, in every part of England. The king of the Romans recovered his liberty: the other prisoners of the royal party were not only freed, but courted by their keepers; Fitz-Richard, the seditious mayor of London, who had marked out forty of the most wealthy citizens for slaughter, immediately stopped his hand on receiving intelligence of this great event; and almost all the castles, garrisoned by the barons, hastened to make their submissions, and to open their gates to the king. The Isle of Axholme alone, and that of Ely, trusting to the strength of their situation,

ventured to make resistance; but were at last reduced, as well as the Castle of Dover, by the valor and activity of Prince Edward.<sup>153</sup> Adam de Gourdon, a courageous baron, maintained himself during some time in the forests of Hampshire, committed depredations in the neighborhood, and obliged the prince to lead a body of troops into that country against him. Edward attacked the camp of the rebels; and being transported by the ardor of battle, leaped over the trench with a few followers, and encountered Gourdon in single combat. The victory was long disputed between these valiant combatants; but ended at last in the prince's favor, who wounded his antagonist, threw him from his horse, and took him prisoner. He not only gave him his life; but introduced him that very night to the queen at Guildford, procured him his pardon, restored him to his estate, received him into favor, and was ever after faithfully served by him.<sup>154</sup>

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<sup>150</sup> Chron. de Mailr. p. 232.

<sup>151</sup> M. Paris p. 676. W. Heming. p. 588.

<sup>152</sup> M. Paris, p 575

A total victory of the sovereign over so extensive a rebellion commonly produces a revolution of government, and strengthens, as well as enlarges, for some time, the prerogatives of the crown; yet no sacrifices of national liberty were made on this occasion; the Great Charter remained still inviolate; and the king, sensible that his own barons, by whose assistance alone he had prevailed, were no less jealous of their independence than the other party, seems thenceforth to have more carefully abstained from all those exertions of power which had afforded so plausible a pretence to the rebels. The clemency of this victory is also remarkable; no blood was shed on the scaffold; no attainders, except of the Mountfort family, were carried into execution; and though a parliament, assembled at Winchester, attainted all those who had borne arms against the king, easy compositions were made with them for their lands;<sup>155</sup> and the highest sum levied on the most obnoxious offenders exceeded not five years' rent of their estate. Even the earl of Derby, who again rebelled, after having been pardoned and restored to his fortune, was obliged to pay only seven years'

rent, and was a second time restored. The mild disposition of the king, and the prudence of the prince, tempered the insolence of victory and gradually restored order to the several members of the state, disjointed by so long a continuance of civil wars and commotions.

The city of London, which had carried farthest the rage and animosity against the king, and which seemed determined to stand upon its defence after almost all the kingdom had submitted, was, after some interval, restored to most of its liberties and privileges; and Fitz-Richard, the mayor, who had been guilty of so much illegal violence, was only punished by fine and imprisonment. The countess of Leicester, the king's sister, who had been extremely forward in all attacks on the royal family, was dismissed the kingdom with her two sons, Simon and Guy, who proved very ungrateful for this lenity. Five years afterwards, they assassinated, at Viterbo in Italy, their cousin Henry d'Allmaine, who at that very time was endeavoring to make their peace with the king; and by taking sanctuary in the church of the Franciscans, they escaped the punishment due to so great an enormity.<sup>156</sup>

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<sup>153</sup> M. Paris, p. 675.

<sup>154</sup> Rymer, vol. i. p. 879; vol. ii. p. 4, 6. Chron. T. Wykes, p. 94 W. Heming. p. 589. Trivet, p. 240.

The merits of the earl of Gloucester, after he returned to his <sup>1267</sup> allegiance, had been so great, in restoring the prince to his liberty, and assisting him in his victories against the rebellious barons, that it was almost impossible to content him in his demands; and his youth and temerity as well as his great power, tempted him, on some new disgust, to raise again the flames of rebellion in the kingdom. The mutinous populace of London at his instigation took to arms; and the prince was obliged to levy an army of thirty thousand men in order to suppress them. Even this second rebellion did not provoke the king to any act of cruelty; and the earl of Gloucester himself escaped with total impunity. He was only obliged to enter into a bond of twenty thousand marks, that he should never again be guilty of rebellion; a strange method of enforcing the laws, and a proof of

the dangerous independence of the barons in those ages! These potent nobles were, from the danger of the precedent, averse to the execution of the laws of forfeiture and felony against any of their fellows; though they could not, with a good grace, refuse to concur in obliging them to fulfil any voluntary contract and engagement into which they had entered.

The prince, finding the state of the kingdom tolerably composed, was <sup>1270</sup>. seduced by his avidity for glory, and by the prejudices of the age, as well as by the earnest solicitations of the king of France, to undertake an expedition against the infidels in the Holy Land;<sup>157</sup> and he endeavored previously to settle the state in such a manner, as to dread no bad effects from his absence. As the formidable power and turbulent disposition of the earl of Gloucester gave him apprehensions, he insisted on carrying him along with him, in consequence of a vow which that nobleman had made to undertake the same voyage: in the mean time, he obliged him to resign some of his castles, and to enter into a new bond not to disturb the peace of the kingdom.<sup>158</sup>

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<sup>155</sup> M. Paris, p. 677

<sup>156</sup> Chron. T. Wykes, p. 90.

He sailed from England with an army; and arrived in Lewis's camp before Tunis in Africa, where he found that monarch already dead, from the intemperance of the climate and the fatigues of his enterprise. The great, if not only weakness of this prince, in his government, was the imprudent passion for crusades; but it was this zeal chiefly that procured him from the clergy the title of St. Lewis, by which he is known in the French history and if that appellation had not been so extremely prostituted as to become rather a term of reproach, he seems, by his uniform probity and goodness, as well as his piety, to have fully merited the title. He was succeeded by his son Philip, denominated the Hardy; a prince of some merit, though much inferior to that of his father.

Prince Edward, not discouraged by this event, continued his voyage to <sup>1271</sup>. the Holy Land, where he signalized himself by acts of valor; revived the glory of the English name in those parts; and struck such terror into the

Saracens, that they employed an assassin to murder him, who wounded him in the arm, but perished in the attempt.<sup>159</sup> Meanwhile his absence from England was attended with many of those pernicious consequences which had been dreaded from it. The laws were not executed: the barons oppressed the common people with impunity: they gave shelter on their estates to bands of robbers, whom they employed in committing ravages on the estates of their enemies: the populace of London returned to their usual licentiousness: and the old king, unequal to the burden of public affairs, called aloud for his gallant son to return,<sup>160</sup> and to assist him in swaying that sceptre which was ready to drop from his feeble and irresolute hands. At last, overcome by the cares of government and the infirmities of age, he visibly declined, and he expired at St. Edmondsbury in the sixty-fourth year of his age, and fifty-sixth of his reign;<sup>161</sup> the longest reign that is to be met with in the English annals.

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<sup>157</sup> M. Paris, p. 678, 679. W. Heming, p. 520.

<sup>158</sup> Chron. Dunst. vol. i. p. 404.

<sup>159</sup> Kymer, vol. i. p. 869. M. Paris, p. 678.

His brother, the king of the Romans, (for he never attained the title <sup>1272</sup>. of emperor,) died about seven months before him.

The most obvious circumstance of Henry's character is his incapacity for government, which rendered him as much a prisoner in the hands of his own ministers and favorites, and as little at his own disposal, as when detained a captive in the hands of his enemies. From this source, rather than from insincerity or treachery, arose his negligence in observing his promises; and he was too easily induced, for the sake of present convenience, to sacrifice the lasting advantages arising from the trust and confidence of his people. Hence too were derived his profusion to favorites, his attachment to strangers, the variableness of his conduct, his hasty resentments, and his sudden forgiveness and return of affection.

Instead of reducing the dangerous power of his nobles, by obliging them to observe the laws towards their inferiors, and setting them the salutary example in his own government, he was seduced to imitate their

conduct, and to make his arbitrary will, or rather that of his ministers, the rule of his actions. Instead of accommodating himself, by a strict frugality, to the embarrassed situation in which his revenue had been left by the military expeditions of his uncle, the dissipations of his father, and the usurpations of the barons, he was tempted to levy money by irregular exactions, which, without enriching himself, impoverished, at least disgusted, his people. Of all men, nature seemed least to have fitted him for being a tyrant, yet are there instances of oppression in his reign, which, though derived from the precedents left him by his predecessors, had been carefully guarded against by the Great Charter, and are inconsistent with all rules of good government. And on the whole, we may say, that greater abilities, with his good dispositions, would have prevented him from falling into his faults, or with worse dispositions, would have enabled him to maintain and defend them.

This prince was noted for his piety and devotion, and his regular attendance on public worship; and a saying of his on that head is much celebrated by ancient writers. He was engaged in a dispute with Lewis IX. of France, concerning the preference between sermons and masses: he maintained the superiority of the latter, and affirmed, that he would rather have one hour's conversation with a friend, than hear twenty of the most elaborate discourses pronounced in his praise.<sup>162</sup>

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<sup>160</sup>..... Walsing. Edw. I. p. 43.

Henry left two sons, Edward, his successor, and Edmond earl of Lancaster; and two daughters, Margaret, queen of Scotland, and Beatrix, duchess of Brittany. He had five other children, who died in their infancy.

The following are the most remarkable laws enacted during this reign. There had been great disputes between the civil and ecclesiastical courts concerning bastardy. The common law had deemed all those to be bastards who were born before wedlock; by the canon law they were legitimate: and when any dispute of inheritance arose, it had formerly been usual for the civil courts to issue writs to the spiritual, directing them to inquire into the legitimacy of the person. The bishop always returned an

answer agreeable to the canon law, though contrary to the municipal law of the kingdom. For this reason, the civil courts had changed the terms of their writ; and instead of requiring the spiritual courts to make inquisition concerning the legitimacy of the person, they only proposed the simple question of fact, whether he were born before or after wedlock. The prelates complained of this practice to the parliament assembled at Merton in the twentieth of this king, and desired that the municipal law might be rendered conformable to the canon; but received from all the nobility the memorable reply, “Nolumus leges Angliae mutare.” We will not change the laws of England.<sup>163</sup>

After the civil wars, the parliament summoned at Marlebridge gave their approbation to most of the ordinances which had been established by the reforming barons, and which though advantageous to the security of the people, had not received the sanction of a legal authority. Among other laws, it was there enacted, that all appeals from the courts of inferior lords should be carried directly to the king’s courts, without passing through the courts of the lords immediately superior.<sup>164</sup> It was ordained, that money should bear no interest during the minority of the debtor.<sup>165</sup> This law was reasonable, as the estates of minors were always in the hands of their lords, and the debtors could not pay interest where they had no revenue. The charter of King John had granted this indulgence: it was omitted in that of Henry III., for what reason is not known; but it was renewed by the statute of Marlebridge. Most of the other articles of this statute are calculated to restrain the oppressions of sheriffs, and the violence and iniquities committed in distraining cattle and other goods. Cattle and the instruments of husbandry formed at that time the chief riches of the people.

In the thirty-fifth year of this king, an assize was fixed of bread, the price of which was settled according to the different prices of corn, from one shilling a quarter to seven shillings and sixpence,<sup>166</sup> money of that age. These great variations are alone a proof of bad tillage;<sup>167</sup> yet did the prices often rise much higher than any taken notice of by the statute.

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<sup>161</sup> Statute of Merton, chap. 9.

<sup>162</sup> Statute of Marl. chap. 20.

<sup>163</sup>..... Ibid. chap. 16.

<sup>164</sup>..... Statutes at large, p. 6. iii. cap. 81, 92,) that the price of corn in Sicily was, during the preetorship of Sacerdos five denarii amodius; during that of Verres, which immediately succeeded, only two sesterces; that is, ten times lower; a presumption, or rather a proof, of the very bad state of tillage in ancient times.

The Chronicle of Dunstable tells us, that in this reign wheat was once sold for a mark, nay, for a pound a quarter; that is, three pounds of our present money.<sup>168</sup>..... The same law affords us a proof of the little communication between the parts of the kingdom, from the very different prices which the same commodity bore at the same time. A brewer, says the statute, may sell two gallons of ale for a penny in cities, and three or four gallons for the same price in the country. At present, such commodities, by the great consumption of the people, and the great stocks of the brewers, are rather cheapest in cities. The Chronicle above mentioned observes, that wheat one year was sold in many places for eight shillings a quarter, but never rose in Dunstable above a crown.

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<sup>165</sup>..... So also Knyghton, p. 2444.

Though commerce was still very low, it seems rather to have increased since the conquest; at least, if we may judge of the increase of money by the price of corn. The medium between the highest and lowest prices of wheat, assigned by the statute, is four shillings and threepence a quarter; that is, twelve shillings and ninepence of our present money. This is near half of the middling price in our time. Yet the middling price of cattle, so late as the reign of King Richard, we find to be above eight, near ten times lower than the present. Is not this the true inference, from comparing these facts, that, in all uncivilized nations, cattle, which propagate of themselves, bear always a lower price than corn, which requires more art and stock to render it plentiful than those nations are possessed of? It is to be remarked, that Henry's assize of corn was copied from a preceding assize established by King John; consequently, the prices which we have here compared of corn and cattle may be looked on as contemporary; and



they were drawn, not from one particular year, but from an estimation of the middling prices for a series of years. It is true, the prices assigned by the assize of Richard were meant as a standard for the accompts of sheriffs and escheators and as considerable profits were allowed to these ministers, we may naturally suppose that the common value of cattle was somewhat higher: yet still, so great a difference between the prices of corn and cattle as that of four to one, compared to the present rates, affords important reflections concerning the very different state of industry and tillage in the two periods.

Interest had in that age mounted to an enormous height, as might be expected from the barbarism of the times and men's ignorance of commerce. Instances occur of fifty per cent. paid for money.<sup>169</sup> There is an edict of Philip Augustus, near this period, limiting the Jews in France to forty-eight per cent.<sup>170</sup> Such profits tempted the Jews to remain in the kingdom, notwithstanding the grievous oppressions to which, from the prevalent bigotry and rapine of the age, they were continually exposed. It is easy to imagine how precarious their state must have been under an indigent prince, somewhat restrained in his tyranny over his native subjects, but who possessed an unlimited authority over the Jews, the sole proprietors of money in the kingdom, and hated on account of their riches, their religion, and their usury; yet will our ideas scarcely come up to the extortions which in fact we find to have been practised upon them. In the year 1241, twenty thousand marks were exacted from them;<sup>171</sup> two years after money was again extorted; and one Jew alone, Aaron of York, was obliged to pay above four thousand marks;<sup>172</sup> in 1250, Henry renewed his oppressions; and the same Aaron was condemned to pay him thirty thousand marks upon an accusation of forgery;<sup>173</sup> the high penalty imposed upon him, and which, it seems, he was thought able to pay, is rather a presumption of his innocence than of his guilt.

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<sup>166</sup> M. Paris, p. 586.

<sup>167</sup> Brussel, *Traité des Fiefs*, vol. i, p. 576.

<sup>168</sup> M. Paris, p. 372.

<sup>169</sup> M. Paris, p. 410.

In 1255, the king demanded eight thousand marks from the Jews, and threatened to hang them if they refused compliance. They now lost all patience, and desired leave to retire with their effects out of the kingdom. But the king replied, "How can I remedy the oppressions you complain of? I am myself a beggar. I am spoiled, I am stripped of all my revenues; I owe above two hundred thousand marks; and if I had said three hundred thousand, I should not exceed the truth; I am obliged to pay my son, Prince Edward, fifteen thousand marks a year; I have not a farthing; and I must have money from any hand, from any quarter, or by any means." He then delivered over the Jews to the earl of Cornwall, that those whom the one brother had flayed, the other might embowel, to make use of the words of the historian.<sup>174</sup> King John, his father, once demanded ten thousand marks from a Jew of Bristol; and on his refusal, ordered one of his teeth to be drawn every day till he should comply. The Jew lost seven teeth, and then paid the sum required of him.<sup>175</sup> One talliage laid upon the Jews, in 1243, amounted to sixty thousand marks;<sup>176</sup> a sum equal to the whole yearly revenue of the crown.

To give a better pretence for extortions, the improbable and absurd accusation, which has been at different times advanced against that nation, was revived in England, that they had crucified a child in derision of the sufferings of Christ. Eighteen of them were hanged at once for this crime;<sup>177</sup> though it is nowise credible that even the antipathy borne them by the Christians, and the oppressions under which they labored, would ever have pushed them to be guilty of that dangerous enormity. But it is natural to imagine, that a race exposed to such insults and indignities, both from king and people, and who had so uncertain an enjoyment of their riches, would carry usury to the utmost extremity, and by their great profits make themselves some compensation for their continual perils.

Though these acts of violence against the Jews proceeded much from bigotry, they were still more derived from avidity and rapine. So far from desiring in that age to convert them, it was enacted by law in France, that if any Jew embraced Christianity, he forfeited all his goods, without exception, to the king or his superior lord. These plunderers were careful lest the profits accruing from their dominion over that unhappy race should be diminished by their conversion.<sup>178</sup>

Commerce must be in a wretched condition where interest was so high, and where the sole proprietors of money employed it in usury only, and were exposed to such extortion and injustice. But the bad police of the country was another obstacle to improvements, and rendered all communication dangerous, and all property precarious. The Chronicle of Dunstable says,<sup>179</sup> that men were never secure in their houses, and that whole villages were often plundered by bands of robbers, though no civil wars at that time prevailed in the kingdom.

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<sup>170</sup>M. Paris, p. 606.

<sup>171</sup>M. Paris, p. 160.

<sup>172</sup>Madox, p. 152.

<sup>173</sup>M. Paris, p. 613.

<sup>174</sup>Vol. i. p. 155.

In 1249, some years before the insurrection of the barons, two merchants of Brabant came to the king at Winchester, and told him that they had been spoiled of all their goods by certain robbers, whom they knew, because they saw their faces every day in his court; that like practices prevailed all over England, and travellers were continually exposed to the danger of being robbed, bound, wounded, and murdered; that these crimes escaped with impunity, because the ministers of justice themselves were in a confederacy with the robbers; and that they, for their part, instead of bringing matters to a fruitless trial by law, were willing, though merchants, to decide their cause with the robbers by arms and a duel. The king, provoked at these abuses, ordered a jury to be enclosed, and to try the robbers: the jury, though consisting of twelve men of property in Hampshire, were found to be also in a confederacy with the felons, and acquitted them. Henry, in a rage, committed the jury to prison, threatened them with severe punishment, and ordered a new jury to be enclosed, who, dreading the fate of their fellows, at last found a verdict against the criminals. Many of the king's own household were discovered to have participated in the guilt; and they said for their excuse, that they received

no wages from him, and were obliged to rob for a maintenance.<sup>180</sup> "Knights and esquires," says the Dictum of Kenilworth, "Who were robbers, if they have no land, shall pay the half of their goods, and find sufficient security to keep henceforth the peace of the kingdom." Such were the manners of the times!

One can the less repine, during the prevalence of such manners, at the frauds and forgeries of the clergy; as it gives less disturbance to society to take men's money from them with their own consent, though by deceits and lies, than to ravish it by open force and violence. During this reign the papal power was at its summit, and was even beginning insensibly to decline, by reason of the immeasurable avarice and extortions of the court of Rome, which disgusted the clergy as well as laity in every kingdom of Europe. England itself, though sunk in the deepest abyss of ignorance and superstition, had seriously entertained thoughts of shaking off the papal yoke;<sup>181</sup> and the Roman pontiff was obliged to think of new expedients for rivetting it faster upon the Christian world.

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<sup>175</sup> M. Paris, p. 509.

<sup>176</sup> M. Paris, p. 421.

For this purpose, Gregory IX. published his decretals,<sup>182</sup> which are a collection of forgeries favorable to the court of Rome, and consist of the supposed decrees of popes in the first centuries. But these forgeries are so gross, and confound so palpably all language, history, chronology, and antiquities,—matters more stubborn than any speculative truths whatsoever,—that even that church, which is not startled at the most monstrous contradictions and absurdities, has been obliged to abandon them to the critics. But in the dark period of the thirteenth century, they parsed for undisputed and authentic; and men, entangled in the mazes of this false literature, joined to the philosophy, equally false, of the times, had nothing wherewithal to defend themselves, but some small remains of common sense, which passed for profaneness and impiety, and the indelible regard to self-interest, which, as it was the sole motive in the

priests for framing these impostures, served also, in some degree, to protect the laity against them.

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<sup>177</sup>..... Trivet, p. 191.

Another expedient, devised by the church of Rome, in this period, for securing her power, was the institution of new religious orders, chiefly the Dominicans and Franciscans, who proceeded with all the zeal and success that attend novelties; were better qualified to gain the populace than the old orders, now become rich and indolent; maintained a perpetual rivalry with each other in promoting their gainful superstitions; and acquired a great dominion over the minds, and consequently over the purses, of men, by pretending a desire of poverty and a contempt for riches. The quarrels which arose between these orders, lying still under the control of the sovereign pontiff, never disturbed the peace of the church, and served only as a spur to their industry in promoting the common cause; and though the Dominicans lost some popularity by their denial of the immaculate conception,—a point in which they unwarily engaged too far to be able to recede with honor,—they counterbalanced this disadvantage by acquiring more solid establishments, by gaining the confidence of kings and princes, and by exercising the jurisdiction assigned them of ultimate judges and punishers of heresy. Thus the several orders of monks became a kind of regular troops or garrisons of the Romish church; and though the temporal interests of society, still more the cause of true piety, were hurt, by their various devices to captivate the populace, they proved the chief supports of that mighty fabric of superstition, and, till the revival of true learning, secured it from any dangerous invasion.

The trial by ordeal was abolished in this reign by order of council; a faint mark of improvement in the age.<sup>183</sup>.....

Henry granted a charter to the town of Newcastle, in which he gave the inhabitants a license to dig coal. This is the first mention of coal in England.

We learn from Madox,<sup>184</sup> that this king gave at one time one hundred shillings to Master Henry, his poet; also the same year he orders this poet ten pounds.

It appears from Selden, that in the forty-seventh of this reign, a hundred and fifty temporal and fifty spiritual barons were summoned to perform the service, due by their tenures.<sup>185</sup> In the thirty-fifth of the subsequent reign, eighty-six temporal barons, twenty bishops, and forty-eight abbots, were summoned to a parliament convened at Carlisle.<sup>186</sup>

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<sup>178</sup> Rymer, vol. i. p. 228. Spelman, p. 326.

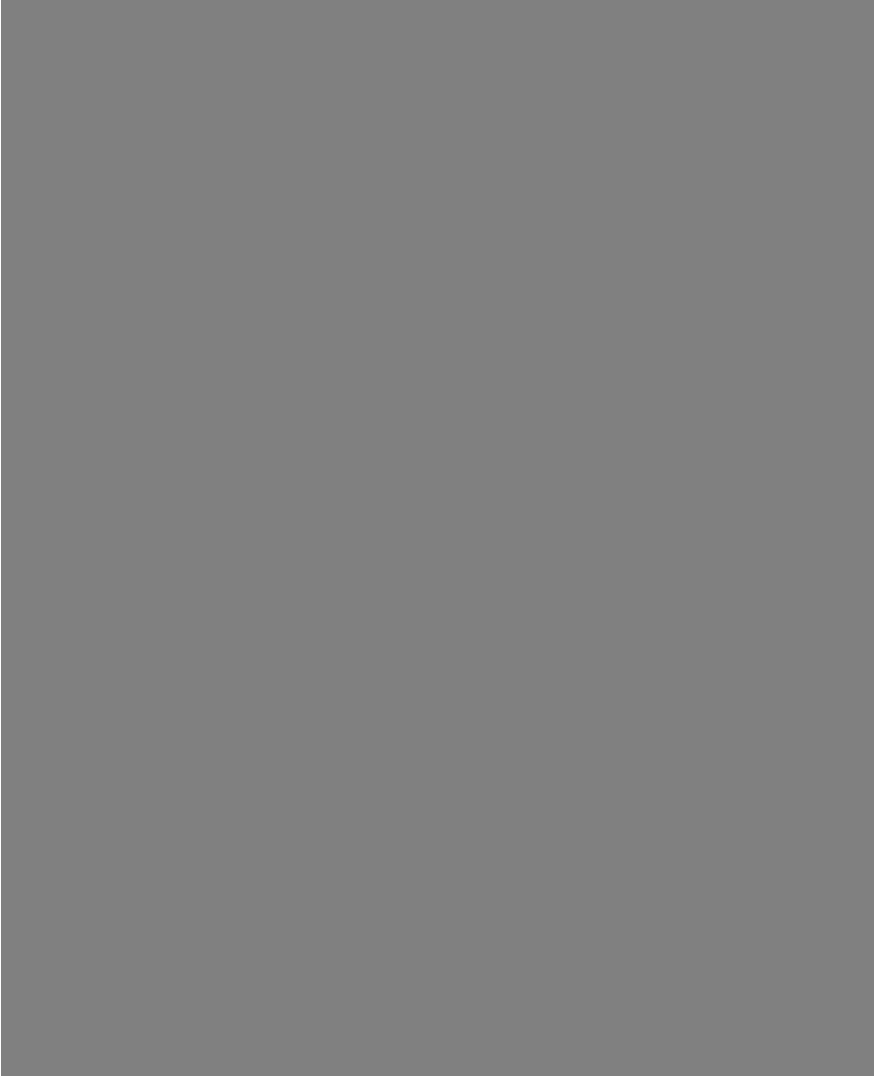
<sup>179</sup> Page 208.

<sup>180</sup> Titles of Honor, part ii. chap. 3.

<sup>181</sup> Parliamentary Hist. vol. i. p. 151.



## CHAPTER 13.



## EDWARD I.

The English were as yet so little inured to obedience under a regular <sup>1272</sup>. government, that the death of almost every king, since the conquest, had been attended with disorders, and the council, reflecting on the recent civil wars, and on the animosities which naturally remain after these great convulsions, had reason to apprehend dangerous consequences from the absence of the son and successor of Henry. They therefore hastened to proclaim Prince Edward, to swear allegiance to him, and to summon the states of the kingdom, in order to provide for the public peace in this important conjuncture.<sup>1</sup>

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<sup>1</sup> Rymer, vol. ii. p. 1 Walsing, p. 43. Trivet, p. 239.

Walter Giffard, archbishop of York, the earl of Cornwall, son of Richard, king of the Romans, and the earl of Gloucester, were appointed guardians of the realm, and proceeded peaceably to the exercise of their authority, without either meeting with opposition from any of the people, or being disturbed with emulation and faction among themselves. The high character acquired by Edward during the late commotions, his military genius, his success in subduing the rebels, his moderation in settling the kingdom, had procured him great esteem, mixed with affection, among all orders of men; and no one could reasonably entertain hopes of making any advantage of his absence, or of raising disturbance in the nation. The earl of Gloucester himself, whose great power and turbulent spirit had excited most jealousy, was forward to give proofs of his allegiance; and the other malecontents, being destitute of a leader, were obliged to remain in submission to the government.

Prince Edward had reached Sicily in his return from the Holy Land, when he received intelligence of the death of his father; and he discovered a deep concern on the occasion. At the same time, he learned the death of an infant son, John whom his princess, Eleanor of Castile, had born him at Acre, in Palestine; and as he appeared much less affected with that misfortune, the king of Sicily expressed a surprise at this difference of sentiment; but was told by Edward, that the death of a son was a loss



which he might hope to repair; the death of a father was a loss irreparable.<sup>2</sup>

Edward proceeded homeward; but as he soon learned the quiet settlement of the kingdom, he was in no hurry to take possession of the throne, but spent near a year in France, before he made his appearance in England.

In his passage by Chalons, in Burgundy, he was challenged by the <sup>1273</sup>. prince of the country to a tournament which he was preparing; and as Edward excelled in those martial and dangerous exercises, the true image of war, he declined not the opportunity of acquiring honor in that great assembly of the neighboring nobles. But the image of war was here unfortunately turned into the thing itself. Edward and his retinue were so successful in the jousts, that the French knights, provoked at their superiority, made a serious attack upon them, which was repulsed, and much blood was idly shed in the quarrel.<sup>3</sup> This rencounter received the name of the petty battle of Chalons.

Edward went from Chalons to Paris, and did homage to Philip for the <sup>1274</sup>. dominions which he held in France.<sup>4</sup> He thence returned to Guienne, and settled that province, which was in some confusion. He made his journey to London through France; in his passage, he accommodated at Montreuil a difference with Margaret, countess of Flanders, heiress of that territory;<sup>5</sup> he was received with joyful acclamations by his people, and was solemnly crowned at Westminster by Robert, archbishop of Canterbury.

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<sup>2</sup> Walsing. p. 44. Trivet. p. 240.

<sup>3</sup> Walsing. p. 44. Trivet. p. 241. M. West. p. 402.

<sup>4</sup> Walsing p. 45.

<sup>5</sup> Rymer. vol. ii. p. 32, 33.

The king immediately applied himself to the reestablishment of his kingdom, and to the correcting of those disorders which the civil commotions and the loose administration of his father had introduced into every part of government. The plan of his policy was equally generous and

prudent. He considered the great barons both as the immediate rivals of the crown and oppressors of the people; and he purposed, by an exact distribution of justice, and a rigid execution of the laws, to give at once protection to the inferior orders of the state, and to diminish the arbitrary power of the great, on which their dangerous authority was chiefly founded. Making it a rule in his own conduct to observe, except on extraordinary occasions, the privileges secured to them by the Great Charter, he acquired a right to insist upon their observance of the same charter towards their vassals and inferiors; and he made the crown be regarded by all the gentry and commonalty of the kingdom, as the fountain of justice, and the general asylum against oppression.

Besides enacting several useful statutes, in a parliament which he <sup>1275</sup>. summoned at Westminster, he took care to inspect the conduct of all his magistrates and judges, to displace such as were either negligent or corrupt, to provide them with sufficient force for the execution of justice, to extirpate all bands and confederacies of robbers, and to repress those more silent robberies which were committed either by the power of the nobles or under the countenance of public authority. By this rigid administration, the face of the kingdom was soon changed; and order and justice took place of violence and oppression: but amidst the excellent institutions and public-spirited plans of Edward, there still appears somewhat both of the severity of his personal character and of the prejudices of the times.

As the various kinds of malefactors, the murderers, robbers, incendiaries, ravishers, and plunderers, had become so numerous and powerful, that the ordinary ministers of justice, especially in the western counties, were afraid to execute the laws against them, the king found it necessary to provide an extraordinary remedy for the evil; and he erected a new tribunal, which, however useful, would have been deemed in times of more regular liberty, a great stretch of illegal and arbitrary power. It consisted of commissioners, who were empowered to inquire into disorders and crimes of all kinds, and to inflict the proper punishments upon them. The officers charged with this unusual commission, made their circuits throughout the counties of England most infested with this evil, and carried terror into all those parts of the kingdom. In their zeal to

punish crimes, they did not sufficiently distinguish between the innocent and guilty; the smallest suspicion became a ground of accusation and trial; the slightest evidence was received against criminals; prisons were crowded with malefactors, real or pretended; severe fines were levied for small offences; and the king, though his exhausted exchequer was supplied by this expedient, found it necessary to stop the course of so great rigor, and after terrifying and dissipating by this tribunal the gangs of disorderly people in England, he prudently annulled the commission;<sup>6</sup> and never afterwards renewed it.

Among the various disorders to which the kingdom was subject, no one was more universally complained of than the adulteration of the coin; and as this crime required more art than the English of that age, who chiefly employed force and violence in their iniquities, were possessed of, the imputation fell upon the Jews.<sup>7</sup> Edward also seems to have indulged a strong prepossession against that nation; and this ill-judged zeal for Christianity being naturally augmented by an expedition to the Holy Land, he let loose the whole rigor of his justice against that unhappy people. Two hundred and eighty of them were hanged at once for this crime in London alone, besides those who suffered in other parts of the kingdom.<sup>8</sup>

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<sup>6</sup> Spel. Gloss, in verbo Trailbaston. But Spelman was either mistaken in placing this commission in the fifth year of the king, or it was renewed in 1305. See Rymer, vol. ii. p. 960. Trivet, p. 838., M. West. p. 450.

<sup>7</sup> Walsing. p. 48 Heming. vol. i. p. 6.

<sup>8</sup> T. Wykes, p. 107.

The houses and lands, (for the Jews had of late ventured to make purchases of that kind,) as well as the goods of great multitudes, were sold and confiscated; and the king, lest it should be suspected that the riches of the sufferers were the chief part of their guilt, ordered a moiety of the money raised by these confiscations to be set apart, and bestowed upon such as were willing to be converted to Christianity. But resentment was more prevalent with them than any temptation from their poverty; and very few of them could be induced by interest to embrace the religion of

their persecutors. The miseries of this people did not here terminate. Though the arbitrary talliages and exactions levied upon them had yielded a constant and a considerable revenue to the crown, Edward prompted by his zeal and his rapacity, resolved some time after<sup>9</sup> to purge the kingdom entirely of that hated race, and to seize to himself at once their whole property as the reward of his labor.<sup>10</sup> He left them only money sufficient to bear their charges into foreign countries, where new persecutions and extortions awaited them: but the inhabitants of the cinque ports, imitating the bigotry and avidity of their sovereign, despoiled most of them of this small pittance, and even threw many of them into the sea; a crime for which the king, who was determined to be the sole plunderer in his dominions, inflicted a capital punishment upon them. No less than fifteen thousand Jews were at this time robbed of their effects, and banished the kingdom: very few of that nation have since lived in England: and as it is impossible for a nation to subsist without lenders of money, and none will lend without a compensation, the practice of usury, as it was then called, was thenceforth exercised by the English themselves upon their fellow-citizens, or by Lombards and other foreigners. It is very much to be questioned, whether the dealings of these new usurers were equally open and unexceptionable with those of the old. By a law of Richard, it was enacted, that three copies should be made of every bond given to a Jew; one to be put into the hands of a public magistrate, another into those of a man of credit, and a third to remain with the Jew himself.<sup>11</sup> But as the canon law, seconded by the municipal, permitted no Christian to take interest, all transactions of this kind must, after the banishment of the Jews, have become more secret and clandestine, and the lender, of consequence, be paid both for the use of his money, and for the infamy and danger which he incurred by lending it.

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<sup>9</sup> In the year 1290.

<sup>10</sup> Walsing. p. 54. Heming. vol. i. p. 20. Trivet, p 266.

<sup>11</sup> Trivet, p. 128.

The great poverty of the crown, though no excuse, was probably the cause of this egregious tyranny exercised against the Jews; but Edward also practised other more honorable means of remedying that evil. He employed a strict frugality in the management and distribution of his revenue: he engaged the parliament to vote him a fifteenth of all movables; the pope to grant him the tenth of all ecclesiastical revenues for three years; and the merchants to consent to a perpetual imposition of half a mark on every sack of wool exported, and a mark on three hundred skins. He also issued commissions to inquire into all encroachments on the royal demesne; into the value of escheats, forfeitures, and Wardships; and into the means of repairing or improving every branch of the revenue.<sup>12</sup> The commissioners, in the execution of their office, began to carry matters too far against the nobility, and to question titles to estates which had been transmitted from father to son for several generations. Earl Warrenne, who had done such eminent service in the late reign, being required to show his titles, drew his sword; and subjoined, that William the bastard had not conquered the kingdom for himself alone: his ancestor was a joint adventurer in the enterprise; and he himself was determined to maintain what had from that period remained unquestioned in his family. The king, sensible of the danger, desisted from making further inquiries of this nature.

But the active spirit of Edward could not long remain without <sup>1276</sup> employment. He soon after undertook an enterprise more prudent for himself, and more advantageous to his people. Lewellyn, prince of Wales, had been deeply engaged with the Mountfort faction; had entered into all their conspiracies against the crown; had frequently fought on their side; and, till the battle of Evesham, so fatal to that party, had employed every expedient to depress the royal cause, and to promote the success of the barons. In the general accommodation made with the vanquished, Lewellyn had also obtained his pardon; but as he was the most powerful, and therefore the most obnoxious vassal of the crown, he had reason to entertain anxiety about his situation, and to dread the future effects of resentment and jealousy in the English monarch. For this reason he determined to provide for his security by maintaining a secret correspondence with his former associates; and he even made his addresses to a daughter of the earl of Leicester, who was sent to him from

beyond sea, but being intercepted in her passage near the Isles of Scilly, was detained in the court of England.<sup>13</sup>

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<sup>12</sup> Ann. Waverl.p. 235.

<sup>13</sup> Walsing. p. 46, 47. Heming. vol. i. p. 5. Trivet, p. 248

This incident increasing the mutual jealousy between Edward and Lewellyn, the latter, when required to come to England, and do homage to the new king, scrupled to put himself in the hands of an enemy, desired a safe-conduct from Edward, insisted upon having the king's son and other noblemen delivered to him as hostages, and demanded that his consort should previously be set at liberty.<sup>14</sup> The king, having now brought the state to a full settlement, was not displeased with this occasion of exercising his authority, and subduing entirely the principality of Wales. He refused all Lewellyn's demands, except that of a safe-conduct; sent him repeated summons to perform the duty of a vassal; levied an army to reduce him to obedience; obtained a new aid of a fifteenth from parliament; and marched out with certain assurance of success against the enemy.

Besides the great disproportion of force between the kingdom and the <sup>1277</sup>. principality, the circumstances of the two states were entirely reversed; and the same intestine dissensions which had formerly weakened England, now prevailed in Wales, and had even taken place in the reigning family. David and Roderic, brothers to Lewellyn, dispossessed of their inheritance by that prince, had been obliged to have recourse to the protection of Edward, and they seconded with all their interest, which was extensive, his attempts to enslave their native country. The Welsh prince had no resource but in the inaccessible situation of his mountains, which had hitherto, through many ages, defended his forefathers against all attempts of the Saxon and Norman conquerors; and he retired among the hills of Snowdon, resolute to defend himself to the last extremity. But Edward, equally vigorous and cautious, entering by the north with a formidable army, pierced into the heart of the country; and having carefully explored every road before him, and secured every pass behind him, approached the

Welsh army in its last retreat. He here avoided the putting to trial the valor of a nation proud of its ancient independence, and inflamed with animosity against its hereditary enemies; and he trusted to the slow, but sure effects of famine, for reducing that people to subjection. The rude and simple manners of the natives, as well as the mountainous situation of their country, had made them entirely neglect tillage, and trust to pasturage alone for their subsistence; a method of life which had hitherto<sup>15</sup> secured them against the irregular attempts of the English, out exposed them to certain ruin, when the conquest of the country was steadily pursued, and prudently planned by Edward. Destitute of magazines, cooped up in a narrow corner, they, as well as their cattle, suffered all the rigors of famine; and Lewellyn, without being able to strike a stroke for his independence, was at last obliged to submit at discretion, and receive the terms imposed upon him by the victor.<sup>16</sup> He bound himself to pay to Edward fifty thousand pounds, as a reparation of damages; to do homage to the crown of England; to permit all the other barons of Wales, except four near Snowdun, to swear fealty to the same crown; to relinquish the country between Cheshire and the River Conway; to settle on his brother Roderic a thousand marks a year, and on David five hundred; and to deliver ten hostages as security for his future submission.<sup>17</sup>

Edward, on the performance of the other articles, remitted to the prince of Wales the payment of the fifty thousand pounds;<sup>18</sup> which were stipulated by treaty, and which, it is probable, the poverty of the country made it absolutely impossible for him to levy. But, notwithstanding this indulgence, complaints of iniquities soon arose on the side of the vanquished: the English, insolent on their easy and bloodless victory, oppressed the inhabitants of the districts which were yielded to them: the lords marchers committed with impunity all kinds of violence on their Welsh neighbors: new and more severe terms were imposed on Lewellyn himself; and Edward, when the prince attended him at Worcester, exacted a promise that he would retain no person in his principality who should be obnoxious to the English monarch.<sup>19</sup>

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<sup>14</sup> Rymer, vol. ii. p. 68. Walsing, p. 46 Trivet, p. 247

<sup>15</sup> T. Wykes, p. 105.

<sup>16</sup> Rymer, vol. ii. p. 88. Walsing. p. 47. Trivet, p. 251. T. Wykes p. 106.

<sup>17</sup> Rymer, p. 92.

There were other personal insults which raised the indignation of the Welsh, and made them determine rather to encounter a force which they had already experienced to be so much superior, than to bear oppression from the haughty victors. Prince David, seized with the national spirit, made peace with his brother, and promised to concur in the defence of public liberty. The Welsh flew to arms; and Edward, not displeased with the occasion of making his conquest final and absolute, assembled all his military tenants, and advanced into Wales with an army which the inhabitants could not reasonably hope to resist. The situation of the country gave the Welsh at first some advantage over Luke de Tany, one of Edward's captains, who had passed the Menau with a detachment;<sup>20</sup> but Lewelly, being surprised by Mortimer, was defeated and slain in an action, and two thousand of his followers were put to the sword.<sup>21</sup> David, who succeeded him in the principality, could never collect an army sufficient to face the English; and being chased from hill to hill, and hunted from one retreat to another, was obliged to conceal himself under various disguises, and was at last betrayed in his lurking-place to the enemy.

Edward sent him in chains to Shrewsbury; and bringing him to a formal <sup>1283</sup> trial before all the peers of England, ordered this sovereign prince to be hanged, drawn, and quartered, as a traitor, for defending by arms the liberties of his native country, together with his own hereditary authority.<sup>22</sup> All the Welsh nobility submitted to the conqueror; the laws of England, with the sheriffs and other ministers of justice, were established in that principality; and though it was long before national antipathies were extinguished, and a thorough union attained between the people, yet this important conquest, which it had required eight hundred years fully to effect, was at last, through the abilities of Edward, completed by the English.

The king, sensible that nothing kept alive the ideas of military valor and <sup>1284</sup> of ancient glory so much as the traditional poetry of the people, which, assisted by the power of music and the jollity of festivals, made deep



impression on the minds of the youth, gathered together all the Welsh bards, and from a barbarous, though not absurd policy, ordered them to be put to death.<sup>23</sup>.....

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<sup>18</sup> Walsing. p. 50. Heming. vol. i p. 9. Trivet, p. 258. T Wykes, p. 110.

<sup>19</sup> Heming. vol. i. p. 11. Trivet, p. 257. Ann. Waverl. p. 235.

<sup>20</sup> Heming. vol. i. p. 12. Trivet, p. 269. Ann Waverl. p. 288 T Wykes, p. 111. M. West. p. 411.

<sup>21</sup> Sir J. Wynne, p. 15. crown; and henceforth gives a title to the eldest son of the kings of England.

There prevails a vulgar story, which, as it well suits the capacity of the monkish writers, is carefully recorded by them; that Edward, assembling the Welsh, promised to give them a prince of unexceptionable manners, a Welshman by birth, and one who could speak no other language. On their acclamations of joy, and promise of obedience, he invested in the principality his second son, Edward, then an infant, who had been born at Carnarvon. The death of his eldest son Alphonso, soon after, made young Edward heir of the monarchy; the principality of Wales was fully annexed.



The settlement of Wales appeared so complete to Edward, that in <sup>1286</sup> less than two years after, he went abroad, in order to make peace between Alphonso, king of Arragon, and Philip the Fair, who had lately succeeded his father, Philip the Hardy, on the throne of France.<sup>24</sup> The difference between these two princes had arisen about the kingdom of Sicily, which the pope, after his hopes from England failed him, had bestowed on Charles, brother to St. Lewis, and which was claimed upon other titles by Peter, king of Arragon, father to Alphonso. Edward had powers from both princes to settle the terms of peace, and he succeeded in his endeavors; but as the controversy nowise regards England, we shall not enter into a detail of it. He staid abroad above three years; and on his return found many disorders to have prevailed, both from open violence and from the corruption of justice.

Thomas Chamberlain, a gentleman of some note, had assembled several of his associates at Boston, in Lincolnshire, under pretence of holding a tournament, an exercise practised by the gentry only; but in reality with a view of plundering the rich fair of Boston, and robbing the merchants. To facilitate his purpose, he privately set fire to the town; and

while the inhabitants were employed in quenching the flames, the conspirators broke into the booths, and carried off the goods. Chamberlain himself was detected and hanged; but maintained so steadily the point of honor to his accomplices, that he could not be prevailed on, by offers or promises, to discover any of them. Many other instances of robbery and violence broke out in all parts of England; though the singular circumstances attending this conspiracy have made it alone be particularly recorded by historians.<sup>25</sup>

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<sup>22</sup> Rymer, vol. ii. p. 149,150, 174.

<sup>23</sup> Heming vol. i. p. 16, 17.

But the corruption of the judges, by which the fountains of justice <sup>1289</sup> were poisoned, seemed of still more dangerous consequence. Edward, in order to remedy this prevailing abuse, summoned a parliament, and brought the judges to a trial; where all of them, except two, who were clergymen, were convicted of this flagrant iniquity, were fined, and deposed. The amount of the fines levied upon them is alone a sufficient proof of their guilt; being above one hundred thousand marks, an immense sum in those days, and sufficient to defray the charges of an expensive war between two great kingdoms. The king afterwards made all the new judges swear that they would take no bribes; but his expedient of deposing and fining the old ones, was the more effectual remedy.

We now come to give an account of the state of affairs in Scotland, which gave rise to the most interesting transactions of this reign, and of some of the subsequent; though the intercourse of that kingdom with England, either in peace or war, had hitherto produced so few events of moment, that, to avoid tediousness, we have omitted many of them, and have been very concise in relating the rest. If the Scots had, before this period, any real history worthy of the name, except what they glean from scattered passages in the English historians, those events, however minute, yet being the only foreign transactions of the nation, might deserve a place in it.

Though the government of Scotland had been continually exposed to those factions and convulsions which are incident to all barbarous and to many civilized nations; and though the successions of their kings, the only part of their history which deserves any credit had often been disordered by irregularities and usurpations; the true heir of the royal family had still in the end prevailed, and Alexander III., who had espoused the sister of Edward, probably inherited, after a period of about eight hundred years, and through a succession of males, the sceptre of all the Scottish princes who had governed the nation since its first establishment in the island. This prince died in 1286, by a fall from his horse at Kinghorn,<sup>26</sup> without leaving any male issue, and without any descendant, except Margaret, born of Eric, king of Norway, and of Margaret, daughter of the Scottish monarch. This princess, commonly called the Maid of Norway, though a female, and an infant, and a foreigner, yet being the lawful heir of the kingdom, had, through her grandfather's care, been recognized successor by the states of Scotland;<sup>27</sup> and on Alexander's death, the dispositions which had been previously made against that event, appeared so just and prudent, that no disorders, as might naturally be apprehended, ensued in the kingdom.

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<sup>24</sup> Heming. vol. i. p. 29. Trivet, p. 267.

<sup>25</sup> Rymer, vol. ii. p. 266.

Margaret was acknowledged queen of Scotland; five guardians, the bishops of St. Andrews and Glasgow, the earls of Fife and Buchan, and James, steward of Scotland, entered peaceably upon the administration; and the infant princess, under the protection of Edward, her great uncle, and Eric, her father, who exerted themselves on this occasion, seemed firmly seated on the throne of Scotland. The English monarch was naturally led to build mighty projects on this incident; and having lately, by force of arms, brought Wales under subjection, he attempted, by the marriage of Margaret with his eldest son, Edward, to unite the whole island into one monarchy, and thereby to give it security both against domestic convulsions and foreign invasions.

The amity which had of late prevailed between the two nations, and <sup>1290.</sup> which, even in former times, had never been interrupted by any violent wars or injuries, facilitated extremely the execution of this project, so favorable to the happiness and grandeur of both kingdoms; and the states of Scotland readily gave their assent to the English proposals, and even agreed that their young sovereign should be educated in the court of Edward. Anxious, however, for the liberty and independency of their country, they took care to stipulate very equitable conditions, ere they intrusted themselves into the hands of so great and so ambitious a monarch. It was agreed that they should enjoy all their ancient laws, liberties, and customs; that in case young Edward and Margaret should die without issue, the crown of Scotland should revert to the next heir, and should be inherited by him free and independent; that the military tenants of the crown should never be obliged to go out of Scotland, in order to do homage to the sovereign of the united kingdoms, nor the chapters of cathedral, collegiate, or conventual churches, in order to make elections; that the parliaments summoned for Scottish affairs should always be held within the bounds of that kingdom; and that Edward should bind himself, under the penalty of one hundred thousand marks, payable to the pope for the use of the holy wars to observe all these articles.<sup>28</sup>

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<sup>26</sup> Rymer, vol. ii. p. 482.

It is not easy to conceive that two nations could have treated more on a footing of equality than Scotland and England maintained during the whole course of this transaction; and though Edward gave his assent to the article concerning the future independency of the Scottish crown, with a “saving of his former rights,” this reserve gave no alarm to the nobility of Scotland, both because these rights, having hitherto been little heard of had occasioned no disturbance, and because the Scots had so near a prospect of seeing them entirely absorbed in the rights of their sovereignty.

But this project, so happily formed and so amicably conducted, failed of <sup>1291.</sup> success, by the sudden death of the Norwegian princess, who expired on her passage to Scotland,<sup>29</sup> and left a very dismal prospect to the kingdom.

Though disorders were for the present obviated by the authority of the regency formerly established, the succession itself of the crown was now become an object of dispute; and the regents could not expect that a controversy, which is not usually decided by reason and argument alone, would be peaceably settled by them, or even by the states of the kingdom, amidst so many powerful pretenders. The posterity of William, king of Scotland, the prince taken prisoner by Henry II., being all extinct by the death of Margaret of Norway, the right to the crown devolved on the issue of David, earl of Huntingdon brother to William, whose male line being also extinct, left the succession open to the posterity of his daughters. The earl of Huntingdon had three daughters; Margaret, married to Alan, lord of Galloway, Isabella, wife of Robert Brus or Bruce lord of Annandale, and Adama, who espoused Henry, Lord Hastings. Margaret, the eldest of the sisters, left one daughter, Devergilda, married to John Baliol, by whom she had a son of the same name, one of the present competitors for the crown: Isabella II. bore a son, Robert Bruce, who was now alive, and who also insisted on his claim: Adama III. left a son, John Hastings, who pretended that the kingdom of Scotland, like many other inheritances, was divisible among the three daughters of the earl of Huntingdon, and that he, in right of his mother, had a title to a third of it. Baliol and Bruce united against Hastings, in maintaining that, the kingdom was indivisible; but each of them, supported by plausible reasons, asserted the preference of his own title. Baliol was sprung from the elder branch: Bruce was one degree nearer the common stock: if the principle of representation was regarded, the former had the better claim: if propinquity was considered, the latter was entitled to the preference.<sup>30</sup>

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<sup>27</sup>..... Heming. vol. i. p. 30. Trivet, p. 268

<sup>28</sup>..... Heming. vol. i. p. 36.

The sentiments of men were divided: all the nobility had taken part on one side or the other: the people followed implicitly their leaders: the two claimants themselves had great power and numerous retainers in Scotland: and it is no wonder that, among a rude people, more accustomed

to arms than inured to laws, a controversy of this nature, which could not be decided by any former precedent among them, and which is capable of exciting commotions in the most legal and best established governments, should threaten the state with the most fatal convulsions.

Each century has its peculiar mode in conducting business; and men, guided more by custom than by reason, follow, without inquiry, the manners which are prevalent in their own time. The practice of that age in controversies between states and princes, seems to have been to choose a foreign prince as an equal arbiter, by whom the question was decided, and whose sentence prevented those dismal confusions and disorders, inseparable at all times from war, but which were multiplied a hundred fold, and dispersed into every corner, by the nature of the feudal governments. It was thus that the English king and barons, in the preceding reign, had endeavored to compose their dissensions by a reference to the king of France; and the celebrated integrity of that monarch had prevented all the bad effects which might naturally have been dreaded from so perilous an expedient. It was thus that the kings of France and Arragon, and afterwards other princes, had submitted their controversies to Edward's judgment; and the remoteness of their states, the great power of the princes, and the little interest which he had on either side, had induced him to acquit himself with honor in his decisions. The parliament of Scotland, therefore, threatened with a furious civil war, and allured by the great reputation of the English monarch, as well as by the present amicable correspondence between the kingdoms, agreed in making a reference to Edward; and Fraser, bishop of St. Andrews, with other deputies, was sent to notify to him their resolution, and to claim his good offices in the present dangers to which they were exposed.<sup>31</sup>

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<sup>29</sup>..... Heming, vol. i. p. 31.

His inclination, they flattered themselves, led him to prevent their dissensions, and to interpose with a power which none of the competitors would dare to withstand: when this expedient was proposed by one party, the other deemed it dangerous to object to it: indifferent persons thought that the imminent perils of a civil war would thereby be prevented; and no

one reflected on the ambitious character of Edward, and the almost certain ruin which must attend a small state divided by faction, when it thus implicitly submits itself to the will of so powerful and encroaching a neighbor.

The temptation was too strong for the virtue of the English monarch to resist. He purposed to lay hold of the present favorable opportunity, and if not to create, at least to revive, his claim of a feudal superiority over Scotland; a claim which had hitherto lain in the deepest obscurity, and which, if ever it had been an object of attention, or had been so much as suspected, would have effectually prevented the Scottish barons from choosing him for an umpire. He well knew that, if this pretension were once submitted to, as it seemed difficult in the present situation of Scotland to oppose it, the absolute sovereignty of that kingdom (which had been the case with Wales) would soon follow; and that one great vassal, cooped up in an island with his liege lord, without resource from foreign powers, without aid from any fellow-vassals, could not long maintain his dominions against the efforts of a mighty kingdom, assisted by all the cavils which the feudal law afforded his superior against him. In pursuit of this great object, very advantageous to England, perhaps in the end no less beneficial to Scotland, but extremely unjust and iniquitous in itself, Edward busied himself in searching for proofs of his pretended superiority; and, instead of looking into his own archives, which, if his claim had been real, must have afforded him numerous records of the homages done by the Scottish princes, and could alone yield him any authentic testimony, he made all the monasteries be ransacked for old chronicles and histories written by Englishmen, and he collected all the passages which seemed anywise to favor his pretensions.<sup>32</sup> Yet even in this method of proceeding, which must have discovered to himself the injustice of his claim, he was far from being fortunate. He began his proofs from the time of Edward the Elder, and continued them through all the subsequent Saxon and Norman times; but produced nothing to his purpose.<sup>33</sup>

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<sup>30</sup> Walsing. p. 55.

<sup>31</sup> Rymer, vol. ii. p, 559.



The whole amount of his authorities during the Saxon period, when stripped of the bombast and inaccurate style of the monkish historians, is, that the Scots had sometimes been defeated by the English, had received peace on disadvantageous terms, had made submissions to the English monarch, and had even perhaps fallen into some dependence on a power which was so much superior, and which they had not at that time sufficient force to resist. His authorities from the Norman period were, if possible, still less conclusive: the historians indeed make frequent mention of homage done by the northern potentate; but no one of them says that it was done for his kingdom; and several of them declare, in express terms that it was relative only to the fiefs which he enjoyed south of the Tweed;<sup>34</sup> in the same manner, as the king of England himself swore fealty to the French monarch, for the fiefs which he inherited in France. And to such scandalous shifts was Edward reduced, that he quotes a passage from Hoveden<sup>35</sup> where it is asserted that a Scottish king had done homage to England; but he purposely omits the latter part of the sentence, which expresses that this prince did homage for the lands which he held in England.

When William, king of Scotland, was taken prisoner in the battle of Alnwick, he was obliged, for the recovery of his liberty, to swear fealty to the victor for his crown itself. The deed was performed according to all the rites of the feudal law: the record was preserved in the English archives, and is mentioned by all the historians: but as it is the only one of the kind, and as historians speak of this superiority as a great acquisition gained by the fortunate arms of Henry II.,<sup>36</sup> there can remain no doubt that the kingdom of Scotland was, in all former periods, entirely free and independent. Its subjection continued a very few years: King Richard, desirous, before his departure for the Holy Land, to conciliate the friendship of William, renounced that homage, which, he says in express terms, had been extorted by his father; and he only retained the usual homage which had been done by the Scottish princes for the lands which they held in England.

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<sup>32</sup> Hoveden, p. 492, 662. M. Paris, p. 109. M. West. p. 256.

<sup>33</sup> Page 662.

But though this transaction rendered the independence of Scotland still more unquestionable, than if no fealty had ever been sworn to the English crown, the Scottish kings, apprised of the point aimed at by their powerful neighbors, seem for a long time to have retained some jealousy on that head, and, in doing homage, to have anxiously obviated all such pretensions. When William, in 1200, did homage to John at Lincoln, he was careful to insert a salvo for his royal dignity;<sup>37</sup>..... when Alexander III. sent assistance to his father-in-law, Henry III., during the wars of the barons, he previously procured an acknowledgment, that this aid was granted only from friendship, not from any right claimed by the English monarch;<sup>38</sup>..... and when that same prince was invited to assist at the coronation of this very Edward, he declined attendance till he received a like acknowledgment.<sup>39</sup>.....

But as all these reasons (and stronger could not be produced) were but a feeble rampart against the power of the sword, Edward, carrying with him a great army, which was to enforce his proofs, advanced to the frontiers, and invited the Scottish parliament, and all the competitors, to attend him in the Castle of Norham, a place situated on the southern banks of the Tweed, in order to determine the cause which had been referred to his arbitration. But though this deference seemed due to so great a monarch, and was no more than what his father and the English barons had, in similar circumstances, paid to Lewis IX., the king, careful not to give umbrage, and determined never to produce his claim till it should be too late to think of opposition, sent the Scottish barons an acknowledgment, that, though at that time they passed the frontiers, this step should never be drawn into precedent, or afford the English kings a pretence for exacting a like submission in any future transaction.<sup>40</sup>..... When the whole Scottish nation had thus unwarily put themselves in his power, Edward opened the conferences at Norham: he informed the parliament, by the mouth of Roger le Brabançon, his chief justiciary, that he was come thither to determine the right among the competitors to their crown; that he was determined to do strict justice to all parties; and that he was

entitled to this authority, not in virtue of the reference made to him, but in quality of superior and liege lord of the kingdom.<sup>41</sup>

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<sup>35</sup> Hoveden, p. 811.

<sup>36</sup> Rymer, vol. ii p 844.

<sup>37</sup> Rymer, vol. ii. p. 26, 845. There cannot be the least question, that the homage usually paid by the kings of Scotland was not for their crown, but for some other territory. The only question remains, what that territory was. It was not always for the earldom of Huntingdon, nor the honor of Penryth; because we find it sometimes done at a time when these possessions were not in the hands of the kings of Scotland. It is probable that the homage was performed in general terms, without any particular specification of territory; and this inaccuracy had proceeded either from some dispute between the two kings about the territory and some opposite claims, which were compromised by the general homage, or from the simplicity of the age, which employed few words in every transaction. To prove this, we need but look into the letter of King Richard, where he resigns the homage of Scotland, reserving the usual homage. His words are, "Sæpedictus W. Rex ligius homo noster deveniat de omnibus terris de quibus antecessores sui antecessorum nostrorum ligii homines fuerunt, et nobis atque hæredibus nostris fidelitatem jurarunt." Rymer, vol. i. p. 65. These general terms were probably copied from the usual form of the homage itself.

It is no proof that the kings of Scotland possessed no lands or baronies in England, because we cannot find them in the imperfect histories and records of that age. For instance, it clearly appears from another passage of this very letter of Richard, that the Scottish king held lands both in the county of Huntingdon and elsewhere in England; though the earldom of Huntingdon itself was then in the person of his brother David; and we know at present of no other baronies which William held. It cannot be expected that we should now be able to specify all his fees which he either possessed or claimed in England; when it is probable that the two monarchs themselves and their ministers would at that very time have differed in the list: the Scottish king might possess some to which his right was disputed; he might claim others which he did not possess; and neither of the two kings was willing to resign his pretensions by a particular enumeration.

A late author of great industry and learning, but full of prejudices, and of no penetration, Mr. Carte, has taken advantage of the undefined terms of the Scotch homage, and has pretended that it was done for Lothian and Galloway: that is, all the territories of the country now called Scotland, lying south of the Clyde and Forth. But to refute this pretension at once, we need only consider, that if these territories were held in fee of the English kings, there would, by the nature of the feudal law as established in England, have

been continual appeals from them to the courts of the lord paramount; contrary to all the histories and records of that age. We find that, as soon as Edward really established his superiority, appeals immediately commenced from all parts of Scotland: and that king, in his writ to the king's bench, considers them as a necessary consequence of the feudal tenure. Such large territories also would have supplied a considerable part of the English armies, which never could have escaped all the historians. Not to mention that there is not any instance of a Scotch prisoner of war being tried as a rebel, in the frequent hostilities between the kingdoms, where the Scottish armies were chiefly filled from the southern counties.

Mr. Carte's notion with regard to Galloway, which comprehends, in the language of that age, or rather in that of the preceding, most of the south-west counties of Scotland; his notion, I say, rests on so slight a foundation, that it scarcely merits being refuted. He will have it, (and merely because he will have it,) that the Cumberland, yielded by King Edmund to Malcolm I., meant not only the county in England of that name, but all the territory northwards to the Clyde. But the case of Lothian deserves some more consideration.

It is certain that, in very ancient language, Scotland means only the country north of the Friths of Clyde and Forth. I shall not make a parade of literature to prove it; because I do not find that this point is disputed by the Scots themselves. The southern country was divided into Galloway and Lothian; and the latter comprehended all the south-east counties. This territory was certainly a part of the ancient kingdom of Northumberland, and was entirely peopled by Saxons, who afterwards received a great mixture of Danes among them. It appears from all the English histories, that the whole kingdom of Northumberland paid very little obedience to the Anglo-Saxon monarchs, who governed after the dissolution of the heptarchy; and the northern and remote parts of it seem to have fallen into a kind of anarchy, sometimes pillaged by the Danes, sometimes joining them in their ravages upon other parts of England. The kings of Scotland, lying nearer them, took at last possession of the country, which had scarcely any government; and we are told by Matthew of Westminster, (p. 193,) that King Edgar made a grant of the territory to Kenneth III.; that is, he resigned claims which he could not make effectual, without bestowing on them more trouble and expense than they were worth: for these are the only grants of provinces made by kings; and so ambitious and active a prince as Edgar would never have made presents of any other kind. Though Matthew of Westminster's authority may appear small with regard to so remote a transaction, yet we may admit it in this case, because Ordericus Vitalis, a good authority, tells us, (p. 701,) that Malcolm acknowledged to William Rufus, that the Conqueror had confirmed to him the former grant of Lothian. But it follows not, because Edgar made this species of grant to Kenneth, that therefore he exacted homage for that territory. Homage, and all the rites of the feudal law, were very little known among the Saxons; and we may also suppose,

that the gla'n of Edgar was so antiquated and weak, that, in resigning it, he made no very valuable concession, and Kenneth might well refuse to hold, by so precarious a tenure, a territory which he at present held by the sword. In short, no author says he did homage for it.

The only color indeed of authority for Mr. Carte's notion is, that Matthew Fans, who wrote in the reign of Henry III., before Edward's claim of superiority was heard of, says that Alexander III. did homage to Henry III. "pro Laudiano et aliis terris." See p.555. This word seems naturally to be interpreted Lothian. But, in the first place, Matthew Paris's testimony, though considerable, will not outweigh that of all the other historians, who say that the Scotch homage was always done for lands in England. Secondly, if the Scotch homage was done in general terms, (as has been already proved,) it is no wonder that historians should differ in their account of the object of it, since it is probable the parties themselves were not fully agreed. Thirdly, there is reason to think that Laudianum in Matthew Paris does not mean the Lothians, now in Scotland. There appears to have been a territory which anciently bore that or a similar name in the north of England. For (1.) the Saxon Chronicle (p.197) says, that Malcolm Kenmure met William Rufus in Lodene, in England. (2.) It is agreed by all historians, that Henry II. only reconquered from Scotland the northern counties of Northumberland, Cumberland, and Westmoreland. See Newbriggs, p.383. Wykes, p.30. Hemingford, p.492, Yet the same country is called by other historians Loidis, comitatus Lodonensis, or some such name. See M. Paris, p.68. M. Westi p.247. Annal. Wayerl. p.159, and Diceto, p.531. (3.) This last-mentioned author, when he speaks of Lothian in Scotland, calls it Loheneis, (p.574,) though he had called the English territory Loidis.

I thought this long note necessary in order to correct Mr. Carte's mistake, an author whose diligence and industry has given light to many passages of the more ancient English history.]

<sup>38</sup> Rymer, vol. ii. p. 539, 845. Walsing. p. 58.

<sup>39</sup> Rymer, vol. ii. p.543. It is remarkable that the English chancellor spoke to the Scotch parliament in the French tongue. This was also the language commonly made use of by all parties on that occasion. I bid, passim. Some of the most considerable among the Scotch, as well as almost all the English barons, were of French origin: they valued themselves upon it; and pretended to despise the language and manners of the island. It is difficult to account for the settlement of so many French families in Scotland; the Bruces, Baliols, St. Glairs, Montgomeries, Somervilles, Gordons, Frasers, Cummins; Colvilles, Umfrevilles, Mowbrays, Hays, Maules, who were not supported there, as in England, by the power of the sword. But the superiority of the smallest civility and knowledge over total ignorance and barbarism, is prodigious.]

He then produced his proofs of this superiority, which he pretended to be unquestionable, and he required of them an acknowledgment of it; a demand which was superfluous if the fact were already known and avowed, and which plainly betrays Edward's consciousness of his lame and defective title. The Scottish parliament was astonished at so new a pretension, and answered only by their silence. But the king, in order to maintain the appearance of free and regular proceedings, desired them to remove into their own country, to deliberate upon his claim, to examine his proofs, to propose all their objections, and to inform him of their resolution; and he appointed a plain at Upsettleton, on the northern banks of the Tweed, for that purpose.

When the Scottish barons assembled in this place, though moved with indignation at the injustice of this unexpected claim, and at the fraud with which it had been conducted, they found themselves betrayed into a situation in which it was impossible for them to make any defence for the ancient liberty and independence of their country. The king of England, a martial and politic prince, at the head of a powerful army, lay at a very small distance, and was only separated from them by a river fordable in many places. Though, by a sudden flight, some of them might themselves be, able to make their escape, what hopes could they entertain of securing the kingdom against his future enterprises? Without a head, without union among themselves, attached all of them to different competitors, whose title they had rashly submitted to the decision of this foreign usurper, and who were thereby reduced to an absolute dependence upon him, they could only expect by resistance to entail on themselves and their posterity a more grievous and more destructive servitude. Yet even in this desperate state of their affairs the Scottish barons, as we learn from Walsingham,<sup>42</sup> one of the best historians of that period, had the courage to reply that, till they had a king, they could take no resolution on so momentous a point: the journal of King Edward says, that they made no answer at all;<sup>43</sup> that is, perhaps, no particular answer or objection to Edward's claim: and by this solution it is possible to reconcile the journal with the historian. The king, therefore, interpreting their silence as consent, addressed himself to the several competitors.

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<sup>40</sup> Page 56. M. West. p. 436. It is said by Hemingford, vol. i, p. 33, that the king menaced violently the Scotch barons, and forced them to compliance, at least to silence.

<sup>41</sup> Rymer, vol. ii. p. 548. previously to his pronouncing sentence, required their acknowledgment of his superiority.

It is evident from the genealogy of the royal family of Scotland, that there could only be two questions about the succession—that between Baliol and Bruce on the one hand, and Lord Hastings on the other, concerning the partition of the crown: and that between Baliol and Bruce themselves concerning the preference of their respective titles, supposing the kingdom indivisible: yet there appeared on this occasion no less than nine claimants besides; John Comyn or Cummin, lord of Badenoch, Florence, earl of Holland, Patric Dunbar, earl of March, William de Vescey, Robert de Pynkeni, Nicholas de Soules, Patric Galythly, Roger de Mandeville, Robert de Ross; not to mention the king of Norway, who claimed as heir to his daughter Margaret.<sup>44</sup> Some of these competitors were descended from more remote branches of the royal family; others were even sprung from illegitimate children; and as none of them had the least pretence of right, it is natural to conjecture that Edward had secretly encouraged them to appear in the list of claimants, that he might sow the more division among the Scottish nobility, make the cause appear the more intricate, and be able to choose, among a great number, the most obsequious candidate.

But he found them all equally obsequious on this occasion.<sup>45</sup> Robert Bruce was the first that acknowledged Edward's right of superiority over Scotland; and he had so far foreseen the king's pretensions, that even in his petition, where he set forth his claim to the crown, he had previously applied to him as liege lord of the kingdom; a step which was not taken by any of the other competitors.<sup>46</sup> They all, however, with seeming willingness, made a like acknowledgment when required; though Baliol, lest he should give offence to the Scottish nation, had taken care to be absent during the first days; and he was the last that recognized the king's title.<sup>47</sup>

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<sup>42</sup>..... Walsing. p. 58.

<sup>43</sup>..... Rymer, vol. ii. p. 529, 545. Walsing. p. 56. Heming. vol. i. 33, 34. Trivet, p. 260. M. West. p. 415.

<sup>44</sup>..... Rymer, vol. ii. p. 577, 578, 579.

<sup>45</sup>..... Rymer, vol. ii. p. 546.

Edward next deliberated concerning the method of proceeding in the discussion of this great controversy. He gave orders that Baliol, and such of the competitors as adhered to him should choose forty commissioners; Bruce and his adherents forty more: to these the king added twenty-four Englishmen: he ordered these hundred and four commissioners to examine the cause deliberately among themselves, and make their report to him:<sup>48</sup>..... and he promised in the ensuing year to give his determination. Meanwhile he pretended that it was requisite to have all the fortresses of Scotland delivered into his hands, in order to enable him, without opposition, to put the true heir in possession of the crown; and this exorbitant demand was complied with, both by the states and by the claimants.<sup>49</sup>..... The governors also of all the castles immediately resigned their command; except Umfreville, earl of Angus, who refused, without a formal and particular acquittal from the parliament and the several claimants, to surrender his fortresses to so domineering an arbiter, who had given to Scotland so many just reasons of suspicion.<sup>50</sup>..... Before this assembly broke up, which had fixed such a mark of dishonor on the nation, all the prelates and barons there present swore fealty to Edward; and that prince appointed commissioners to receive a like oath from all the other barons and persons of distinction in Scotland.<sup>51</sup>.....

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<sup>46</sup>..... Rymer, vol. ii. p. 555, 556.

<sup>47</sup>..... Rymer, vol. ii. p. 529. Walsing. p. 56, 57.

<sup>48</sup>..... Rymer, vol. ii. p. 531.

<sup>49</sup>..... Rymer, vol. ii p. 573.



The king, having finally made, as he imagined, this important acquisition, left the commissioners to sit at Berwick, and examine the titles of the several competitors who claimed the precarious crown, which Edward was willing for some time to allow the lawful heir to enjoy. He went southwards, both in order to assist at the funeral of his mother, Queen Eleanor, who died about this time, and to compose some differences which had arisen among his principal nobility. Gilbert, earl of Gloucester, the greatest baron of the kingdom, had espoused the king's daughter; and being elated by that alliance, and still more by his own power, which, he thought, set him above the laws, he permitted his bailiffs and vassals to commit violence on the lands of Humphrey Bohun, earl of Hereford, who retaliated the injury by like violence. But this was not a reign in which such illegal proceedings could pass with impunity. Edward procured a sentence against the two earls, committed them both to prison, and would not restore them to their liberty, till he had exacted a fine of one thousand marks from Hereford, and one of ten thousand from his son-in-law.

During this interval, the titles of John Baliol and of Robert Bruce, <sup>1292</sup> whose claims appeared to be the best founded among the competitors for the crown of Scotland, were the subject of general disquisition, as well as of debate among the commissioners. Edward, in order to give greater authority to his intended decision, proposed this general question both to the commissioners and to all the celebrated lawyers in Europe, "Whether a person descended from the elder sister, but farther removed by one degree, were preferable, in the succession of kingdoms, fiefs, and other indivisible inheritances, to one descended from the younger sister, but one degree nearer to the common stock?" This was the true state of the case; and the principle of representation had now gained such ground every where, that a uniform answer was returned to the king in the affirmative. He therefore pronounced sentence in favor of Baliol; and when Bruce, upon this disappointment, joined afterwards Lord Hastings, and claimed a third of the kingdom, which he now pretended to be divisible, Edward, though his interests seemed more to require the partition of Scotland, again pronounced sentence in favor of Baliol. That competitor, upon renewing his oath of fealty to England, was put in possession of the kingdom;<sup>52</sup> all his fortresses were restored to him;<sup>53</sup> and the conduct of

Edward, both in the deliberate solemnity of the proceedings, and in the justice of the award, was so far unexceptionable.

Had the king entertained no other view than that of establishing his <sup>1293</sup> superiority over Scotland, though the iniquity of that claim was apparent, and was aggravated by the most egregious breach of trust, he might have fixed his pretensions, and have left that important acquisition to his posterity: but he immediately proceeded in such a manner as made it evident that, not content with this usurpation, he aimed also at the absolute sovereignty and dominion of the kingdom. Instead of gradually inuring the Scots to the yoke, and exerting his rights of superiority with moderation, he encouraged all appeals to England; required King John himself, by six different summons on trivial occasions, to come to London;<sup>54</sup> refused him the privilege of defending his cause by a procurator; and obliged him to appear at the bar of his parliament as a private person.<sup>55</sup>

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<sup>50</sup> Rymer vol. ii. p. 590, 591, 593, 600.

<sup>51</sup> Rymer, vol ii p. 599.

<sup>52</sup> Rymer, p. 603, 605, 606, 608, 615, 616.

<sup>53</sup> Ryley's Placit. Parl. p. 152, 153.

These humiliating demands were hitherto quite unknown to a king of Scotland: they are, however, the necessary consequence of vassalage by the feudal law; and as there was no preceding instance of such treatment submitted to by a prince of that country, Edward must, from that circumstance alone, had there remained any doubt, have been himself convinced that his claim was altogether a usurpation.<sup>56</sup> But his intention plainly was to enrage Baliol by these indignities, to engage him in rebellion, and to assume the dominion of the state as the punishment of his treason and felony. Accordingly Baliol, though a prince of a soft and gentle spirit, returned into Scotland highly provoked at this usage, and determined at all hazards to vindicate his liberty; and the war which soon after broke out between France and England, gave him a favorable opportunity of executing his purpose.

The violence, robberies, and disorders, to which that age was so subject, were not confined to the licentious barons and their retainers at land: the sea was equally infested with piracy: the feeble execution of the laws had given license to all orders of men: and a general appetite for rapine and revenge, supported by a false point of honor, had also infected the merchants and mariners; and it pushed them, on any provocation, to seek redress by immediate retaliation upon the aggressors. A Norman and an English vessel met off the coast near Bayonne; and both of them having occasion for water, they sent their boats to land, and the several crews came at the same time to the same spring: there ensued a quarrel for the preference: a Norman, drawing his dagger, attempted to stab an Englishman; who, grappling with him, threw his adversary on the ground; and the Norman, as was pretended, falling on his own dagger, was slain.<sup>57</sup> This scuffle between two seamen about water, soon kindled a bloody war between the two nations, and involved a great part of Europe in the quarrel. The mariners of the Norman ship carried their complaints to the French king: Philip, without inquiring into the fact, without demanding redress, bade them take revenge, and trouble him no more about the matter.<sup>58</sup>

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<sup>54</sup> See Rymer, vol. ii. p.533, where Edward writes to the king's bench to receive appeals from Scotland. He knew the practice to be new and unusual; yet he establishes it as an infallible consequence of his superiority. We learn also from the same collection, (p. 603,) that immediately upon receiving the homage, he changed the style of his address to the Scotch king, whom he now call "dilecto et fideli," instead of "fratri dilecto et fideli," the appellation which he had always before used to him. See p. 109, 124, 168, 280, 1064. This is a certain proof that he himself was not deceived, as was scarcely indeed possible, but that he was conscious of his usurpation. Yet he solemnly swore afterwards to the justice of his pretensions, when he defended them before Pope Boniface.]

<sup>55</sup> Walsing. p. 58. Heming. vol. i. p. 39.

<sup>56</sup> Walsing. p. 59.

The Normans, who had been more regular than usual in applying to the crown, needed but this hint to proceed to immediate violence. They seized

an English ship in the channel; and hanging, along with some dogs, several of the crew on the yard-arm, in presence of their companions, dismissed the vessel; <sup>59</sup> and bade the mariners inform their countrymen that vengeance was now taken for the blood of the Norman killed at Bayonne. This injury, accompanied with so general and deliberate an insult, was resented by the mariners of the cinque ports, who, without carrying any complaint to the king, or waiting for redress, retaliated by committing like barbarities on all French vessels without distinction. The French, provoked by their losses, preyed on the ships of all Edward's subjects, whether English or Gascon: the sea became a scene of piracy between the nations: the sovereigns, without either seconding or repressing the violence of their subjects, seemed to remain indifferent spectators: the English made private associations with the Irish and Dutch seamen; the French with the Flemish and Genoese;<sup>60</sup> and the animosities of the people on both sides became every day more violent and barbarous. A fleet of two hundred Norman vessels set sail to the south for wine and other commodities; and in their passage seized all the English ships which they met with, hanged the seamen, and seized the goods. The inhabitants of the English seaports, informed of this incident, fitted out a fleet of sixty sail, stronger and better manned than the others, and awaited the enemy on their return. After an obstinate battle, they put them to rout, and sunk, destroyed, or took the greater part of them.<sup>61</sup> No quarter was given; and it is pretended that the loss of the French amounted to fifteen thousand men; which is accounted for by this circumstance, that the Norman fleet was employed in transporting a considerable body of soldiers from the south.

The affair was now become too important to be any longer overlooked by the sovereigns. On Philip's sending an envoy to demand reparation and restitution, the king despatched the bishop of London to the French court, in order to accommodate the quarrel. He first said, that the English courts of justice were open to all men; and if any Frenchman were injured, he might seek reparation by course of law.<sup>62</sup>

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<sup>57</sup> Heming. vol. i. p. 40. M. West. p. 419.

<sup>58</sup> Heming. vol. i. p. 40.

<sup>59</sup> Walsing. p. 60. Trivet, p 274. Chron. Dunst vol. ii. p 609.

He next offered to adjust the matter by private arbiters, or by a personal interview with the king of France, or by a reference either to the pope, or the college of cardinals, or any particular cardinals, agreed on by both parties.<sup>63</sup>..... The French, probably the more disgusted, as they were hitherto losers in the quarrel, refused all these expedients: the vessels and the goods of merchants were confiscated on both sides: depredations were continued by the Gascons on the western coast of France, as well as by the English in the Channel: Philip cited the king, as duke of Guienne, to appear in his court at Paris, and answer for these offences; and Edward, apprehensive of danger to that province, sent John St. John, an experienced soldier, to Bordeaux, and gave him directions to put Guienne in a posture of defence.<sup>64</sup>.....

That he might, however, prevent a final rupture between the nations, <sup>1294</sup>..... the king despatched his brother, Edmond, earl of Lancaster, to Paris; and as this prince had espoused the queen of Navarre, mother to Jane, queen of France, he seemed, on account of that alliance, the most proper person for finding expedients to accommodate the difference. Jane pretended to interpose with her good offices: Mary, the queen dowager, feigned the same amicable disposition: and these two princesses told Edmond, that the circumstance the most difficult to adjust was the point of honor with Philip, who thought himself affronted by the injuries committed against him by his sub-vassals in Guienne; but if Edward would once consent to give him seizin and possession of that province, he would think his honor fully repaired, would engage to restore Guienne immediately, and would accept of a very easy satisfaction for all the other injuries. The king was consulted on the occasion; and as he then found himself in immediate danger of war with the Scots, which he regarded as the more important concern, this politic prince, blinded by his favorite passion for subduing that nation, allowed himself to be deceived by so gross an artifice.<sup>65</sup>..... He sent his brother orders to sign and execute the treaty with the two queens; Philip solemnly promised to execute his part of it; and the king's citation to appear in the court of France, was accordingly recalled; but the French monarch was no sooner put in possession of Guienne, than the citation

was renewed; Edward was condemned for non-appearance; and Guienne, by a formal sentence, was declared to be forfeited and annexed to the crown.<sup>66</sup>

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<sup>61</sup> Trivet, p. 275.

<sup>62</sup> Trivet, p. 276.

<sup>63</sup> Rymer, vol. ii. p. 619, 620. Walsing. p. 61. Heming. vol. i p. 42, 43. Trivet, p. 277.

<sup>64</sup> Rymer vol. ii p. 620, 622. Walsing. p. 61. Trivet, p. 278.

Edward, fallen into a like snare with that which he himself had spread for the Scots, was enraged; and the more so, as he was justly ashamed of his own conduct, in being so egregiously overreached by the court of France. Sensible of the extreme difficulties which he should encounter in the recovery of Gascony, where he had not retained a single place in his hands, he endeavored to compensate that loss by forming alliances with several princes, who, he projected, should attack France on all quarters, and make a diversion of her forces. Adolphus de Nassau, king of the Romans, entered into a treaty with him for that purpose;<sup>67</sup> as did also Amadæus, count of Savoy, the archbishop of Cologne, the counts of Gueldre and Luxembourg; the duke of Brabant and count of Barre, who had married his two daughters, Margaret and Eleanor: but these alliances were extremely burdensome to his narrow revenues, and proved in the issue entirely ineffectual. More impression was made on Guienne by an English army, which he completed by emptying the jails of many thousand thieves and robbers, who had been confined there for their crimes. So low had the profession of arms fallen, and so much had it degenerated from the estimation in which it stood during the vigor of the feudal system!

The king himself was detained in England, first by contrary winds,<sup>68</sup> <sup>1295.</sup> then by his apprehensions of a Scottish invasion, and by a rebellion of the Welsh, whom he repressed and brought again under subjection.<sup>69</sup> The army which he sent to Guienne, was commanded by his nephew, John de Bretagne, earl of Richmond, and under him by St. John, Tibetot, De Vere, and other officers of reputation;<sup>70</sup> who made themselves masters of the

town of Bayonne, as well as of Bourg, Blaye, Reole, St. Severe, and other places, which straitened Bordeaux, and cut off its communication both by sea and land.

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<sup>65</sup>..... Heming. vol, i. p. 51.

<sup>66</sup>..... Chron. Dunst. vol. ii. p. 622.

<sup>67</sup>..... Walsing. p. 62. Heming. vol. i. p. 55. Trivet, p. 282. Chron Dunst. vol. ii. p. 622.

<sup>68</sup>..... Trivet, p. 279.

The favor which the Gascon nobility bore to the English government facilitated these conquests, and seemed to promise still greater successes; but this advantage was soon lost by the misconduct of some of the officers. Philip's brother, Charles de Valois, who commanded the French armies, having laid siege to Podensac, a small fortress near Reole, obliged Giffard, the governor, to capitulate; and the articles though favorable to the English, left all the Gascons prisoners at discretion, of whom about fifty were hanged by Charles as rebels; a policy by which he both intimidated that people, and produced an irreparable breach between them and the English.<sup>71</sup> That prince immediately attacked Reole, where the earl of Richmond himself commanded; and as the place seemed not tenable, the English general drew his troops to the water side, with an intention of embarking with the greater part of the army. The enraged Gascons fell upon his rear, and at the same time opened their gates to the French, who, besides making themselves masters of the place, took many prisoners of distinction. St. Severe was more vigorously defended by Hugh de Vere, son of the earl of Oxford; but was at last obliged to capitulate. The French king, not content with these successes in Gascony, threatened England with an invasion; and, by a sudden attempt, his troops took and burnt Dover,<sup>72</sup> but were obliged soon after to retire. And in order to make a greater diversion of the English force, and engage Edward in dangerous and important wars, he formed a secret alliance with John Baliol, king of Scotland; the commencement of that strict union which, during so many centuries, was maintained, by mutual interests and necessities, between the French and

Scottish nations. John confirmed this alliance by stipulating a marriage between his eldest son and the daughter of Charles de Valois.<sup>73</sup>

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<sup>69</sup> Heming. vol. i. p. 49.

<sup>70</sup> Trivet, p. 284. Chron. Dunst. vol. ii. p. 642.

<sup>71</sup> Rymer, vol. ii. p. 680, 681, 695, 697. Heming. vol. i. p. 76. Trivet, i, 285.

The expenses attending these multiplied wars of Edward, and his preparations for war, joined to alterations which had insensibly taken place in the general state of affairs, obliged him to have frequent recourse to parliamentary supplies, introduced the lower orders of the state into the public councils, and laid the foundations of great and important changes in the government.

Though nothing could be worse calculated for cultivating the arts of peace, or maintaining peace itself, than the long subordination of vassalage from the king to the meanest gentleman, and the consequent slavery of the lower people, evils inseparable from the feudal system, that system was never able to fix the state in a proper warlike posture, or give it the full exertion of its power for defence, and still less for offence, against a public enemy. The military tenants, unacquainted with obedience, unexperienced in war, held a rank in the troops by their birth, not by their merits or services; composed a disorderly and consequently a feeble army; and during the few days which they were obliged by their tenures to remain in the field, were often more formidable to their own prince than to foreign powers, against whom they were assembled. The sovereigns came gradually to disuse this cumbersome and dangerous machine, so apt to recoil upon the hand which held it; and exchanging the military service for pecuniary supplies, enlisted forces by means of a contract with particular officers, (such as those the Italians denominate “condottieri,”) whom they dismissed at the end of the war.<sup>74</sup> The barons and knights themselves often entered into these engagements with the prince; and were enabled to fill their bands, both by the authority which they possessed over their vassals and tenants, and from the great numbers of loose, disorderly people whom



they found on their estates, and who willingly embraced an opportunity of gratifying their appetite for war and rapine.

Meanwhile the old Gothic fabric, being neglected, went gradually to decay. Though the Conqueror had divided all the lands of England into sixty thousand knights' fees, the number of these was insensibly diminished by various artifices; and the king at last found that, by putting the law in execution, he could assemble a small part only of the ancient force of the kingdom. It was a usual expedient for men who held of the king or great barons by military tenure, to transfer their land to the church, and receive it back by another tenure, called frankalmoigne, by which they were not bound to perform any service.<sup>75</sup> A law was made against this practice; but the abuse had probably gone far before it was attended to, and probably was not entirely corrected by the new statute, which, like most laws of that age, we may conjecture to have been but feebly executed by the magistrate against the perpetual interest of so many individuals. The constable and mareschal, when they mustered the armies, often in a hurry, and for want of better information, received the service of a baron for fewer knights' fees than were due by him; and one precedent of this kind was held good against the king, and became ever after a reason for diminishing the service.<sup>76</sup>

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<sup>72</sup> Cotton's Abr. p. 11.

<sup>73</sup> Madox, Baronia Anglica, p. 114.

<sup>74</sup> Madox, Bar. Ang. p. 115.

The rolls of knights' fees were inaccurately kept; no care was taken to correct them before the armies were summoned into the field,<sup>77</sup> it was then too late to think of examining records and charters; and the service was accepted on the footing which the vassal himself was pleased to acknowledge, after all the various subdivisions and conjunctions of property had thrown an obscurity on the nature and extent of his tenure.<sup>78</sup> It is easy to judge of the intricacies which would attend disputes of this kind with individuals; when even the number of military fees belonging to the church, whose property was fixed and unalienable, became the subject

of controversy; and we find in particular, that when the bishop of Durham was charged with seventy knights' fees for the aid levied on occasion of the marriage of Henry II.'s daughter to the duke of Saxony, the prelate acknowledged ten, and disowned the other sixty.<sup>79</sup> It is not known in what manner this difference was terminated; but had the question been concerning an armament to defend the kingdom, the bishop's service would probably have been received without opposition for ten fees; and this rate must also have fixed all his future payments. Pecuniary scutages, therefore, diminished as much as military services;<sup>80</sup> other methods of filling the exchequer, as well as the armies, must be devised: new situations produced new laws and institutions; and the great alterations in the finances and military power of the crown, as well as in private property, were the source of equal innovations in every part of the legislature or civil government.

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<sup>75</sup> We hear only of one king, Henry II., who took this pains; and the record, called *Liber Niger Scaccarii*, was the result of it.

<sup>76</sup> Madox, *Bar. Ang.* p. 116.

<sup>77</sup> Madox, p. 122. *Hist. of the Exch.* p. 404.

<sup>78</sup> In order to pay the sum of one hundred thousand marks, as King Richard's ransom, twenty shillings were imposed on each knight's fee. Had the fees remained on the original footing, as settled by the Conqueror, this scutage would have amounted to ninety thousand marks, which was nearly the sum required; but we find that other grievous taxes were imposed to complete it; a certain proof that many frauds and abuses had prevailed in the roll of knights fees.

The exorbitant estates conferred by the Norman on his barons and chieftains, remained not long entire and unimpaired. The landed property was gradually shared out into more hands; and those immense baronies were divided, either by provisions to younger children, by partitions among co-heirs, by sale, or by escheating to the king, who gratified a great number of his courtiers by dealing them out among them in smaller portions. Such moderate estates, as they required economy, and confined the proprietors to live at home, were better calculated for duration; and

the order of knights and small barons grew daily more numerous, and began to form a very respectable rank or order in the state. As they were all immediate vassals of the crown by military tenure, they were, by the principles of the feudal law, equally entitled with the greatest barons to a seat in the national or general councils; and this right, though regarded as a privilege which the owners would not entirely relinquish, was also considered as a burden which they desired to be subjected to on extraordinary occasions only. Hence it was provided in the charter of King John, that, while the great barons were summoned to the national council by a particular writ, the small barons, under which appellation the knights were also comprehended, should only be called by a general summons of the sheriff. The distinction between great and small barons, like that between rich and poor, was not exactly defined; but, agreeably to the inaccurate genius of that age, and to the simplicity of ancient government, was left very much to be determined by the discretion of the king and his ministers. It was usual for the prince to require, by a particular summons, the attendance of a baron in one parliament, and to neglect him in future parliaments;<sup>81</sup> nor was this uncertainty ever complained of as an injury. He attended when required: he was better pleased on other occasions to be exempted from the burden: and as he was acknowledged to be of the same order with the greatest barons, it gave them no surprise to see him take his seat in the great council, whether he appeared of his own accord, or by a particular summons from the king. The barons by writ, therefore, began gradually to intermix themselves with the barons by tenure; and, as Camden tells us,<sup>82</sup> from an ancient manuscript now lost, that after the battle of Evesham, a positive law was enacted, prohibiting every baron from appearing in parliament, who was not invited thither by a particular summons, the whole baronage of England held thenceforward their seat by writ, and this important privilege of their tenures was in effect abolished. Only where writs had been regularly continued for some time in one great family, the omission of them would have been regarded as an affront, and even as an injury.

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<sup>79</sup> Chancellor West's Inquiry into the Manner of creating Peers p. 43, 46, 47, 55.

A like alteration gradually took place in the order of earls who were the highest rank of barons. The dignity of an earl, like that of a baron, was anciently territorial and official;<sup>83</sup> he exercised jurisdiction within his county: he levied the third of the fines to his own profit: he was at once a civil and a military magistrate: and though his authority, from the time of the Norman conquest, was hereditary in England, the title was so much connected with the office, that where the king intended to create a new earl, he had no other expedient than to erect a certain territory into a county or earldom, and to bestow it upon the person and his family.<sup>84</sup> But as the sheriffs, who were the vicegerents of the earls, were named by the king, and removable at pleasure, he found them more dependent upon him; and endeavored to throw the whole authority and jurisdiction of the office into their hands. This magistrate was at the head of the finances, and levied all the king's rents within the county: he assessed at pleasure the talliages of the inhabitants in royal demesne: he had usually committed to him the management of wards, and often of escheats: he presided in the lower courts of judicature: and thus, though inferior to the earl in dignity, he was soon considered, by this union of the judicial and fiscal powers, and by the confidence reposed in him by the king, as much superior to him in authority, and undermined his influence within his own jurisdiction.<sup>85</sup> It became usual, in creating an earl, to give him a fixed salary, commonly about twenty pounds a year, in lieu of his third of the fines: the diminution of his power kept pace with the retrenchment of his profit: and the dignity of earl, instead of being territorial and official, dwindled into personal and titular. Such were the mighty alterations which already had fully taken place, or were gradually advancing, in the house of peers; that is, in the parliament: for there seems anciently to have been no other house.

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<sup>81</sup> Spel. Gloss, in voce Comes.

<sup>82</sup> Essays on British Antiquities. This practice, however, seems to have been more familiar in Scotland and the kingdoms on the continent, than in England.

<sup>83</sup> There are instances of princes of the blood who accepted of the office of sheriff. Spel. in voce Vicecomes.

But though the introduction of barons by writ, and of titular earls, had given some increase to royal authority, there were other causes which counterbalanced those innovations, and tended in a higher degree to diminish the power of the sovereign. The disuse into which the feudal militia had in a great measure fallen made the barons almost entirely forget their dependence on the crown: by the diminution of the number of knights' fees the king had no reasonable compensation when he levied scutages, and exchanged their service for money: the alienations of the crown lands had reduced him to poverty: and above all, the concession of the Great Charter had set bounds to royal power, and had rendered it more difficult and dangerous for the prince to exert any extraordinary act of arbitrary authority. In this situation it was natural for the king to court the friendship of the lesser barons and knights, whose influence was no ways dangerous to him, and who, being exposed to oppression from their powerful neighbors, sought a legal protection under the shadow of the throne. He desired, therefore, to have their presence in parliament, where they served to control the turbulent resolutions of the great. To exact a regular attendance of the whole body would have produced confusion, and would have imposed too heavy a burden upon them. To summon only a few by writ, though it was practised and had a good effect, served not entirely the king's purpose; because these members had no further authority than attended their personal character, and were eclipsed by the appearance of the more powerful nobility, He therefore dispensed with the attendance of most of the lesser barons in parliament; and in return for this indulgence (for such it was then esteemed) required them to choose in each county a certain number of their own body, whose charges they bore, and who, having gained the confidence, carried with them, of course, the authority of the whole order. This expedient had been practised at different times in the reign of Henry III.,<sup>86</sup> and regularly during that of the present king. The numbers sent up by each county varied at the will of the prince:<sup>87</sup> they took their seat among the other peers; because by their tenure they belonged to that order:<sup>88</sup> the introducing of them into that

house scarcely appeared an innovation: and though it was easily in the king's power, by varying their number, to command the resolutions of the whole parliament this circumstance was little attended to in an age when force was more prevalent than laws, and when a resolution, though taken by the majority of a legal assembly, could not be executed, if it opposed the will of the more powerful minority.

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<sup>84</sup>Rot. Glous. 38. Hen. III. pp. 7. and 12. d.; as also Ret. Claus 12 Hen. III. m. 1. d. Prynne's Pref. to Cotton's Abridgment.

<sup>85</sup>Brady's Answer to Petyt, from the records, p 151.

<sup>86</sup>Brady's Treatise of Boroughs, App. No. 13.

But there were other important consequences, which followed the diminution and consequent disuse of the ancient feudal militia. The king's expense in levying and maintaining a military force for every enterprise, was increased beyond what his narrow revenues were able to bear: as the scutages of his military tenants, which were accepted in lieu of their personal service, had fallen to nothing, there were no means of supply but from voluntary aids granted him by the parliament and clergy, or from the talliages which he might levy upon the towns and inhabitants in royal demesne. In the preceding year, Edward had been obliged to exact no less than the sixth of all movables from the laity, and a moiety of all ecclesiastical benefices<sup>89</sup> for his expedition into Poictou, and the suppression of the Welsh: and this distressful situation which was likely often to return upon him and his successors, made him think of a new device, and summon the representatives of all the boroughs to parliament. This period, which is the twenty-third of his reign, seems to be the real and true epoch of the house of commons, and the faint dawn of popular government in England. For the representatives of the counties were only deputies from the smaller barons and lesser nobility; and the former precedent of representatives from the boroughs, who were summoned by the earl of Leicester, was regarded as the act of a violent usurpation, had beer, discontinued in all the subsequent parliaments; and if such a

measure had not become necessary on other accounts, that precedent was more likely to blast than give credit to it.

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<sup>87</sup> Brady's Treatise of Boroughs, p. 31, from the records. Heming vol. i. p. 52. M. West. p. 422. Ryley, p. 462

During the course of several years, the kings of England, in imitation of other European princes, had embraced the salutary policy of encouraging and protecting the lower and more industrious orders of the state; whom they found well disposed to obey the laws and civil magistrate, and whose ingenuity and labor furnish commodities requisite for the ornament of peace and support of war. Though the inhabitants of the country were still left at the disposal of their imperious lords, many attempts were made to give more security and liberty to citizens, and make them enjoy unmolested the fruits of their industry. Boroughs were erected by royal patent within the demesne lands; liberty of trade was conferred upon them; the inhabitants were allowed to farm, at a fixed rent, their own tolls and customs,<sup>90</sup> they were permitted to elect their own magistrates; justice was administered to them by these magistrates, without obliging them to attend the sheriff or county court: and some shadow of independence, by means of these equitable privileges, was gradually acquired by the people.<sup>91</sup> The king, however, retained still the power of levying talliage or taxes upon them at pleasure;<sup>92</sup> and though their poverty and the customs of the age made these demands neither frequent or exorbitant, such unlimited authority in the sovereign was a sensible check upon commerce, and was utterly incompatible with all the principles of a free government. But when the multiplied necessities of the crown produced a greater avidity for supply, the king, whose prerogative entitled him to exact it, found that he had not power sufficient to enforce his edicts, and that it was necessary, before he imposed taxes, to smooth the way for his demand, and to obtain the previous consent of the boroughs, by solicitations, remonstrances, and authority. The inconvenience of transacting this business with every particular borough was soon felt; and Edward became sensible, that the most expeditious way of obtaining supply, was to assemble the deputies of all the boroughs, to lay before them the

necessities of the state, to discuss the matter in their presence, and to require their consent to the demands of their sovereign, For this reason, he issued writs to the sheriffs, enjoining them to send to parliament, along with two knights of the shire two deputies from each borough within their county,<sup>93</sup> and these provided with sufficient powers from their community to consent, in their name, to what he and his council should require of them.

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<sup>88</sup> Madox, *Firma Burgi*, p. 21.

<sup>89</sup> Brady of Boroughs, App. No. I, 2, 3.

<sup>90</sup> The king had not only the power of talliating the inhabitants within his own demosnes, but that of granting to particular barons the power of talliating the inhabitants within theirs. See Brady's Answer to Petyt, p. 118. Madox, *Hist, of the Exch.* p. 518.

<sup>91</sup> Writs were issued to about one hundred and twenty cities and boroughs.

“As it is a most equitable rule,” says he, in his preamble to this writ, “that what concerns all should be approved of by all; and common dangers be repelled by united efforts;”<sup>94</sup> a noble principle, which may seem to indicate a liberal mind in the king, and which laid the foundation of a free and an equitable government.

After the election of these deputies by the aldermen and common council, they gave sureties for their attendance before the king and parliament: their charges were respectively borne by the borough which sent them; and they had so little idea of appearing as legislators,—a character extremely wide of their low rank and condition,<sup>95</sup>—that no intelligence could be more disagreeable to any borough, than to find that they must elect, or to any individual than that he was elected, to a trust from which no profit or honor could possibly be derived.<sup>96</sup> They composed not, properly speaking, any essential part of the parliament: they sat apart both from the barons and knights,<sup>97</sup> who disdained to mix with such mean personages: after they had given their consent to the taxes required of them, their business being then finished, they separated, even though the parliament still continued to sit, and to canvass the national business.<sup>98</sup>



And as they all consisted of men who were real burgesses of the place from which they were sent, the sheriff, when he found no person of abilities or wealth sufficient for the office, often used the freedom of omitting particular boroughs in his returns; and as he received the thanks of the people for this indulgence, he gave no displeasure to the court, who levied on all the boroughs, without distinction, the tax agreed to by the majority of deputies.<sup>99</sup>

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<sup>92</sup> Brady of Boroughs, p. 25, 33, from the records. The writs of the parliament immediately preceding, remain: and the return of knights is there required, but not a word of the boroughs: a demonstration that this was the very year in which they commenced. In the year immediately preceding, the taxes were levied by a seeming free consent of each particular borough, beginning with London. Brady of Boroughs, p. 31, 32, 33, from the records. Also his Answer to Petyt, p. 40, 41.

<sup>93</sup> Reiquia Spel. p. 64. Prynne's Pref. to Cotton's Abridg. and the Abridg. passim.

<sup>94</sup> Brady of Boroughs, p. 59, 60.

<sup>95</sup> Brady of Boroughs, p. 37, 38, from the records, and Append. p. 19. Also his Append, to his Answer to Petyt, Record. And his gloss. in verb. *Communitas regn.* p. 33. Abridg. p. 14.

<sup>96</sup> Brady of Boroughs, p. 52, from the records. There is even an instance in the reign of Edward III., when the king named all the deputies. Brady's Answer to Petyt, p. 161. If he fairly named the most considerable and creditable burgesses, little exception would be taken; as their business was not to check the king, but to reason with him, and consent to his demands. It was not till the reign of Richard II. that the sheriffs were deprived of the power of omitting boroughs at pleasure. See Stat. at large, 5th Richard II. cap. iv.

The union, however, of the representatives from the boroughs gave gradually more weight to the whole order; and it became customary for them, in return for the supplies which they granted, to prefer petitions to the crown for the redress of any particular grievance, of which they found reason to complain. The more the king's demands multiplied, the faster these petitions increased both in number and authority; and the prince found it difficult to refuse men whose grants had supported his throne,

and to whose assistance he might so soon be again obliged to have recourse. The commons, however, were still much below the rank of legislators.<sup>100</sup> Their petitions, though they received a verbal assent from the throne, were only the rudiments of laws: the judges were afterwards intrusted with the power of putting them into form. and the king, by adding to them the sanction of his authority, and that sometimes without the assent of the nobles, bestowed validity upon them. The age did not refine so much as to perceive the danger of these irregularities. No man was displeas'd that the sovereign, at the desire of any class of men, should issue an order which appear'd only to concern that class; and his predecessors were so near possessing the whole legislative power, that he gave no disgust by assuming it in this seemingly inoffensive manner. But time and further experience gradually open'd men's eyes, and corrected these abuses. It was found that no laws could be fix'd for one order of men without affecting the whole; and that the force and efficacy of laws depended entirely on the terms employ'd in wording them. The house of peers, therefore, the most powerful order in the state, with reason, expected that their assent should be expressly granted to all public ordinances.<sup>101</sup>

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<sup>97</sup> Throughout the reign of Edward I., the assent of the commons is not once expressed in any of the enacting clauses; nor in the reigns ensuing, till the 9 Edward III., nor in any of the enacting clauses of 16 Richard II. Nay, even so low as Henry VI., from the beginning till the eighth of his reign, the assent of the commons is not once expressed in any enacting clause. See preface to Ruffhead's edit, of the Statutes, p. 7. If it should be asserted, that the commons had really given their assent to these statutes, though they are not expressly mentioned, this very omission, proceeding, if you will, from carelessness, is a proof how little they were respected. The commons were so little accustomed to transact public business, that they had no speaker till after the parliament 6 Edward III. See Prynne's preface to Cotton's Abridg.: not till the first of Richard II. in the opinion of most antiquaries. The commons were very unwilling to meddle in any state affairs, and commonly either referred themselves to the lords, or desired a select committee of that house to assist them, as appears from Cotton. 5 Edw. III. n. 5; 15 Edw. III. a. 17; 21 Edw. III. n. 5; 47 Edw. III. n. 5; 50 Edw. III. n. 10; 51 Edw. III. n. 18; 1 Rich. II. n. 12; 2 Rich. II. n. 12; 5 Rich. II. n. 14; 2 parl. 6 Rich. II. n. 14; parl. 2, 6 Rich. II. n. 8, etc.]

<sup>98</sup>..... In those instances found in Cotton's Abridgment, where the king appears to answer of himself the petitions of the commons, he probably exerted no more than that power, which was long inherent in the crown, of regulating matters by royal edicts or proclamations.

But no durable or general statute seems ever to have been made by the king from the petition of the commons alone, without the assent of the peers. It is more likely that the peers alone without the commons, would enact statutes, and in the reign of Henry V., the commons required, that no laws should be framed merely upon their petitions, unless the statutes were worded by themselves, and had passed their house in the form of a bill.<sup>102</sup>.....

But as the same causes which had produced a partition of property continued still to operate, the number of knights and lesser barons, or what the English call the gentry, perpetually increased, and they sunk into a rank still more inferior to the great nobility. The equality of tenure was lost in the great inferiority of power and property; and the house of representatives from the counties was gradually separated from that of the peers, and formed a distinct order in the state.<sup>103</sup>..... The growth of commerce, meanwhile, augmented the private wealth and consideration of the burgesses; the frequent demands of the crown increased their public importance; and as they resembled the knights of shires in one material circumstance, that of representing particular bodies of men, it no longer appeared unsuitable to unite them together in the same house, and to confound their rights and privileges.<sup>104</sup>..... Thus the third estate that of the commons, reached at last its present form; and as the country gentlemen made thenceforwards no scruple of appearing as deputies from the boroughs, the distinction between the members was entirely lost, and the lower house acquired thence a great accession of weight and importance in the kingdom. Still, however, the office of this estate was very different from that which it has since exercised with so much advantage to the public. Instead of checking and controlling the authority of the king, they were naturally induced to adhere to him, as the great fountain of law and justice, and to support him against the power of the aristocracy, which at once was the source of oppression to themselves, and disturbed him in the execution of the laws. The king, in his turn, gave countenance to an order

of men so useful and so little dangerous: the peers also were obliged to pay them some consideration: and by this means the third estate, formerly so abject in England, as well as in all other European nations, rose by slow degrees to their present importance; and in their progress made arts and commerce, the necessary attendants of liberty and equality, flourish in the kingdom.<sup>105</sup>

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<sup>99</sup> Brady's Answer to Petyt, p. 85, from the records.

<sup>100</sup> Cotton's Abridgment, p. 13.

<sup>101</sup> It was very agreeable to the maxims of all the feudal governments, that every order of the state should give their consent to the acts which more immediately concerned them; and as the notion of a political system was not then so well understood, the other orders of the state were often not consulted on these occasions. In this reign, even the merchants, though no public body, granted the king impositions on merchandise, because the first payments came out of their pockets. They did the same in the reign of Edward III.; but the commons had then observed that the people paid these duties, though the merchants advanced them; and they therefore remonstrated against this practice. Cotton's Abridg. p. 39. The taxes imposed by the knights on the counties were always lighter than those which the burgesses laid on the boroughs; a presumption, that in voting those taxes the knights and burgesses did not form the same house. See Chancellor West's Inquiry into the Manner of creating Peers, p. 8. But there are so many proofs, that those two orders of representative were long separate, that it is needless to insist on them. Mr. Carte, who had carefully consulted the rolls of parliament, affirms, that they never appear to have been united till the sixteenth of Edward III. See Hist. vol. ii. p.451. But it is certain that this union was not even then final: in 1372, the burgesses acted by themselves, and voted a tax after the knights were dismissed. See Tyrrel, Hist, vol. iii. p. 754, from Rot. Claus. 46 Edward III. n. 9. In 1376, they were the knights alone who passed a vote for the removal of Alice Pierce from the king's person, if we may credit Walsingham, p. 189. There is an instance of a like kind in the reign of Richard II. Cotton, p.193. The different taxes voted by those two branches of the lower house, naturally kept them separate; but as their petitions had mostly the same object, namely, the redress of grievances, and the support of law and justice both against the crown and the barons, this cause as naturally united them, and was the reason why they at last joined in one house for the despatch of business. The barons had few petitions. Their privileges were of more ancient date. Grievances seldom affected them: they were themselves the chief oppressors. In 1333, the knights by themselves concurred with the bishops and barons in advising the king to stay his journey into Ireland.

Here was a petition which regarded a matter of state, and was supposed to be above the capacity of the burgesses. The knights, therefore, acted apart in this petition. See Cotton, Abridg. p. 13. Chief baron Gilbert thinks, that the reason why taxes always began with the commons or burgesses was, that they were limited by the instructions of their boroughs. See Hist. of the Exchequer, p. 37.]

<sup>102</sup> The chief argument from ancient authority, for the opinion that the representatives of boroughs preceded the forty-ninth of Henry in., is the famous petition of the borough of St. Albans, first taken notice of by Selden, and then by Petyt, Brady, Tyrrel, and others. In this petition, presented to the parliament in the reign of Edward II., the town of St. Albans asserts, that though they held "in capite" of the crown, and owed only, for all other service, their attendance in parliament, yet the sheriff had omitted them in his writs; whereas, both in the reign of the king's father, and all his predecessors, they had always sent members. Now, say the defenders of this opinion, if the commencement of the house of commons were in Henry III.'s reign, this expression could not have been used. But Hadox, in his History of the Exchequer, (p. 522, 523, 524,) has endeavored, and with great reason, to destroy the authority of this petition for the purpose alleged. He asserts, first, that there was no such tenure in England as that of holding by attendance in parliament, instead of all other service. Secondly, that the borough of St. Albans never held of the crown at all, but was always demesne land of the abbot. It is no wonder, therefore, that a petition which advances two falsehoods, should contain one historical mistake, which indeed amounts only to an inaccurate and exaggerated expression; no strange matter in ignorant burgesses of that age. Accordingly, St. Albans continued still to belong to the abbot. It never held of the crown, call after the dissolution of the monasteries. But the assurance of these petitioners is remarkable. They wanted to shake off the authority of their abbot, and to hold of the king; but were unwilling to pay any services even to the crown; upon which they framed this idle petition, which later writers have made the foundation of so many inferences and conclusions. From the tenor of the petition it appears, that there was a close connection between holding of the crown and being represented in parliament. The latter had scarcely ever place without the former; yet we learn from Tyrell's Append. vol. iv. that there were some instances to the contrary. It is not improbable that Edward followed the roll of the earl of Leicester, who had summoned, without distinction, all the considerable boroughs of the kingdom; among which there might be some few that did not hold of the crown. Edward also found it necessary to impose taxes on all the boroughs in the kingdom, without distinction. This was a good expedient for augmenting his revenue. We are not to imagine, because the house of commons have since become of great importance, that the first summoning of them would form any remarkable and striking epoch, and be generally known to the people even seventy or eighty years after. So ignorant were the generality of men in that age, that country burgesses would readily imagine an innovation, seemingly so little

material, to have existed from time immemorial, because it was beyond their own memory, and perhaps that of their fathers. Even the parliament in the reign of Henry V. say, that Ireland had, from the beginning of time, been subject to the crown of England. (See Brady.) And surely if any thing interests the people above all others, it is war and conquests, with their dates and circumstances]

What sufficiently proves that the commencement of the house of burgesses, who are the true commons, was not an affair of chance, but arose from the necessities of the present situation, is, that Edward, at the very same time, summoned deputies from the inferior clergy, the first that ever met in England,<sup>106</sup> and he required them to impose taxes on their constituents for the public service. Formerly the ecclesiastical benefices bore no part of the burdens of the state: the pope indeed of late had often levied impositions upon them: he had sometimes granted this power to the sovereign:<sup>107</sup> the king himself had in the preceding year exacted, by menaces and violence, a very grievous tax of half the revenues of the clergy: but as this precedent was dangerous, and could not easily be repeated in a government which required the consent of the subject to any extraordinary resolution, Edward found it more prudent to assemble a lower house of convocation, to lay before them his necessities, and to ask some supply. But on this occasion he met with difficulties. Whether that the clergy thought themselves the most independent body in the kingdom, or were disgusted by the former exorbitant impositions, they absolutely refused their assent to the king's demand of a fifth of their movables; and it was not till a second meeting that, on their persisting in this refusal, he was willing to accept of a tenth. The barons and knights granted him, without hesitation, an eleventh; the burgesses, a seventh. But the clergy still scrupled to meet on the king's writ, lest by such an instance of obedience they should seem to acknowledge the authority of the temporal power: and this compromise was at last fallen upon, that the king should issue his writ to the archbishop; and that the archbishop should, in consequence of it, summon the clergy, who, as they then appeared to obey their spiritual superior, no longer hesitated to meet in convocation. This expedient, however, was the cause why the ecclesiastics were separated into two houses of convocation, under their several archbishops, and

formed not one estate, as in other countries of Europe; which was at first the king's intention.<sup>108</sup> We now return to the course of our narration.

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<sup>103</sup> Archbishop Wake's State of the Church of England, p. 235 Brady of Burroughs, p. 34. Gilbert's Hist, of the Buch. p 46.

<sup>104</sup> Ann. Waverl. p. 227, 228. T. Wykes, p. 99, 120.

<sup>105</sup> Gilbert's Hist, of the Buch. p 51, 54.

Edward, conscious of the reasons of disgust which he had given to the king of Scots, informed of the dispositions of that people, and expecting the most violent effects of their resentment, which he knew he had so well merited, employed the supplies granted him by his people in making preparations against the hostilities of his northern neighbor. When in this situation, he received intelligence of the treaty secretly concluded between John and Philip; and though uneasy at this concurrence of a French and Scottish war he resolved not to encourage his enemies by a pusillanimous behavior, or by yielding to their united efforts.

He summoned John to perform the duty of a vassal, and to send him a <sup>1296</sup> supply of forces against an invasion from France, with which he was then threatened: he next required that the fortresses of Berwick, Jedburgh, and Roxburgh should be put into his hands as a security during the war; he cited John to appear in an English parliament to be held at Newcastle; and when none of these successive demands were complied with, he marched northward with numerous forces, thirty thousand foot and four thousand horse, to chastise his rebellious vassal. The Scottish nation, who had little reliance on the vigor and abilities of their prince, assigned him a council of twelve noblemen, in whose hands the sovereignty was really lodged, and who put the country in the best posture of which the present distractions would admit. A great army, composed of forty thousand infantry, though supported only by five hundred cavalry advanced to the frontiers; and after a fruitless attempt upon Carlisle, marched eastwards to defend those provinces which Edward was preparing to attack. But some of the most considerable of the Scottish nobles, Robert Bruce, the father and son, the earls of March and Angus, prognosticating the ruin of their country from

the concurrence of intestine divisions and a foreign invasion, endeavored here to ingratiate themselves with Edward by an early submission; and the king, encouraged by this favorable incident, led his army into the enemy's country, and crossed the Tweed without opposition at Coldstream. He then received a message from John, by which that prince, having now procured for himself and his nation Pope Celestine's dispensation from former oaths, renounced the homage which had been done to England, and set Edward at defiance. This bravado was but ill supported by the military operations of the Scots.

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<sup>106</sup> Rymer, vol. ii. p. 692. Walsing. p. 64. Heming. vol. i. p. 84 Trivet, p. 286. t Heming. vol i. p. 75.

<sup>107</sup> Rymer, vol. ii. p. 607. Walsing. p. 66. Heming. vol. i. p. 92.

Berwick was already taken by assault: Sir William Douglas, the governor, was made prisoner: above seven thousand of the garrison were put to the sword: and Edward, elated by this great advantage, despatched Earl Warrenne with twelve thousand men to lay siege to Dunbar, which was defended by the flower of the Scottish nobility.

The Scots, sensible of the importance of this place, which, if taken, laid their whole country open to the enemy, advanced with their main army, under the command of the earls of Buchan, Lenox, and Marre, in order to relieve it. Warrenne, not dismayed at the great superiority of their number, marched out to give them battle. He attacked them with great vigor; and as undisciplined troops, when numerous, are but the more exposed to a panic upon any alarm, he soon threw them into confusion, and chased them off the field with great slaughter. The loss of the Scots is said to have amounted to twenty thousand men: the Castle of Dunbar, with all its garrison, surrendered next day to Edward, who, after the battle, had brought up the main body of the English, and who now proceeded with an assured confidence of success. The Castle of Roxburgh was yielded by James, steward of Scotland; and that nobleman, from whom is descended the royal family of Stuart, was again obliged to swear fealty to Edward. After a feeble resistance, the Castles of Edinburgh and Stirling opened



their gates to the enemy. All the southern parts were instantly subdued by the English; and to enable them the better to reduce the northern, whose inaccessible situation seemed to give them some more security, Edward sent for a strong reënforcement of Welsh and Irish, who, being accustomed to a desultory kind of war, were the best fitted to pursue the fugitive Scots into the recesses of their lakes and mountains. But the spirit of the nation was already broken by their misfortunes and the feeble and timid Baliol, discontented with his own subjects, and overawed by the English, abandoned all those resources which his people might yet have possessed in this extremity. He hastened to make his submissions to Edward, he expressed the deepest penitence for his disloyalty to his liege lord; and he made a solemn and irrevocable resignation of his crown into the hands of that monarch.<sup>109</sup>

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<sup>108</sup> Rymer, vol. ii. p. 718. Walsing. p. 67. Heming. vo. i p. 99 Trivet, p. 292.

Edward marched northwards to Aberdeen and Elgin, without meeting an enemy: no Scotchman approached him but to pay him submission and do him homage: even the turbulent Highlanders, ever refractory to their own princes, and averse to the restraint of laws, endeavored to prevent the devastation of their country, by giving him early proofs of obedience: and Edward, having brought the whole kingdom to a seeming state of tranquillity, returned to the south with his army. There was a stone to which the popular superstition of the Scots paid the highest veneration: all their kings were seated on it when they received the rite of inauguration: an ancient tradition assured them that, wherever this stone was placed, their nation should always govern: and it was carefully preserved at Scone, as the true, palladium of their monarchy, and their ultimate resource amidst all their misfortunes. Edward got possession of it, and carried it with him to England.<sup>110</sup> He gave orders to destroy the records, and all those monuments of antiquity which might preserve the memory of the independence of the kingdom, and refute the English claims of superiority. The Scots pretend that he also destroyed all the annals preserved in their convents: but it is not probable that a nation, so rude and unpolished, should be possessed of any history which deserves much to be regretted.

The great seal of Bailol was broken; and that prince himself was carried prisoner to London, and committed to custody in the Tower. Two years after he was restored to liberty, and submitted to a voluntary banishment in France; where, without making any further attempts for the recovery of his royalty, he died in a private station. Earl Warrenne was left governor of Scotland:<sup>111</sup> Englishmen were intrusted with the chief offices: and Edward, flattering himself that he had attained the end of all his wishes, and that the numerous acts of fraud and violence, which he had practised against Scotland, had terminated in the final reduction of that kingdom, returned with his victorious army into England.

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<sup>109</sup>..... Walsing. p. 68. Trivet, p. 299.

<sup>110</sup>..... Rymer, vol. ii. p. 726. Trivet, p. 295.

An attempt, which he made about the same time, for the recovery of Guienne, was not equally successful. He sent thither an army of seven thousand men, under the command of his brother, the earl of Lancaster. That prince gained at first some advantages over the French at Bordeaux: but he was soon after seized with a distemper, of which he died at Bayonne. The command devolved on the earl of Lincoln, who was not able to perform any thing considerable during the rest of the campaign.<sup>112</sup>

But the active and ambitious spirit of Edward, while his conquests brought such considerable accessions to the English monarchy, could not be satisfied, so long as Guienne, the ancient patrimony of his family, was wrested from him by the dishonest artifices of the French monarch. Finding that the distance of that province rendered all his efforts against it feeble and uncertain, he purposed to attack France in a quarter where she appeared more vulnerable; and with this view he married his daughter Elizabeth to John, earl of Holland, and at the same time contracted an alliance with Guy, earl of Flanders, stipulated to pay him the sum of seventy-five thousand pounds, and projected an invasion with their united forces upon Philip, their common enemy.<sup>113</sup> He hoped that, when he himself, at the head of the English, Flemish, and Dutch armies, reënforced by his German allies, to whom he had promised or remitted considerable

sums, should enter die frontiers of France, and threaten the capital itself, Philip would at last be obliged to relinquish his acquisitions, and purchase peace by the restitution of Guienne. But in order to set this great machine in movement, considerable supplies were requisite from the parliament; and Edward, without much difficulty, obtained from the barons and knights a new grant of a twelfth of all their movables, and from the boroughs that of an eighth. The great and almost unlimited power of the king over the latter, enabled him to throw the heavier part of the burden on them; and the prejudices which he seems always to have entertained against the church, on account of the former zeal of the clergy for the Mountfort faction, made him resolve to load them with still more considerable impositions, and he required of them a fifth of their movables. But he here met with an opposition, which for some time disconcerted all his measures, and engaged him in enterprises that were somewhat dangerous to him; and would have proved fatal to any of his predecessors.

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<sup>111</sup>..... Hoving, vol. i. p. 72, 73, 74.

<sup>112</sup>..... Rymer, vol. ii. p. 761. Walsing, p. 68.

Boniface VIII., who had succeeded Celestine in the papal throne, was a man of the most lofty and enterprising spirit; and though not endowed with that severity of manners which commonly accompanies ambition in men of his order, he was determined to carry the authority of the tiara, and his dominion over the temporal power, to as great a height as it had ever attained in any former period. Sensible that his immediate predecessors, by oppressing the church in every province of Christendom, had extremely alienated the affections of the clergy, and had afforded the civil magistrate a pretence for laying like impositions on ecclesiastical revenues, he attempted to resume the former station of the sovereign pontiff, and to establish himself as the common protector of the spiritual order against all invaders. For this purpose he issued very early in his pontificate a general bull, prohibiting all princes from levying without his consent any taxes upon the clergy, and all clergymen from submitting to such impositions;

and he threatened both of them with the penalties of excommunication in case of disobedience.<sup>114</sup> This important edict is said to have been procured by the solicitation of Robert de Winchelsea, archbishop of Canterbury, who intended to employ it as a rampart against the violent extortions which the church had felt from Edward, and the still greater, which that prince's multiplied necessities gave them reason to apprehend. When a demand, therefore, was made on the clergy of a fifth of their movables, a tax which was probably much more grievous than a fifth of their revenue, as their lands were mostly stocked with their cattle, and cultivated by their villains, the clergy took shelter under the bull of Pope Boniface and pleaded conscience in refusing compliance.<sup>115</sup> The king came not immediately to extremities on this repulse; but after locking up all their granaries and barns, and prohibiting all rent to be paid them, he appointed a new synod, to confer with him upon his demand. The primate, not dismayed by these proofs of Edward's resolution, here plainly told him that the clergy owed obedience to two sovereigns, their spiritual and their temporal; but their duty bound them to a much stricter attachment to the former than to the latter: they could not comply with his commands, (for such, in some measure, the requests of the crown were then deemed,) in contradiction to the express prohibition of the sovereign pontiff.<sup>116</sup>

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<sup>113</sup> Rymer, vol. ii. p. 706. Heming. vol. i. p. 104.

<sup>114</sup> Heming, vol., i. p. 107. Trivet, p. 296. Chron. Dunst. vol. ii p. 652

<sup>115</sup> Hemming. vol. i. p. 107.

The clergy had seen, in many instances, that Edward paid little regard to those numerous privileges on which they set so high a value. He had formerly seized, in an arbitrary manner, all the money and plate belonging to the churches and convents, and had applied them to the public service;<sup>117</sup> and they could not but expect more violent treatment on this sharp refusal, grounded on such dangerous principles. Instead of applying to the pope for a relaxation of his bull, he resolved immediately to employ the power in his hands; and he told the ecclesiastics that, since they refused to support the civil government, they were unworthy to

receive any benefit from it; and he would accordingly put them out of the protection of the laws. This vigorous measure was immediately carried into execution.<sup>118</sup> Orders were issued to the judges to receive no cause brought before them by the clergy; to hear and decide all causes in which they were defendants; to do every man justice against them; to do them justice against nobody.<sup>119</sup> The ecclesiastics soon found themselves in the most miserable situation imaginable. They could not remain in their own houses or convents for want of subsistence; if they went abroad in quest of maintenance, they were dismounted, robbed of their horses and clothes, abused by every ruffian, and no redress could be obtained by them for the most violent injury. The primate himself was attacked on the highway, was stripped of his equipage and furniture, and was at last reduced to board himself with a single servant in the house of a country clergyman.<sup>120</sup> The king, meanwhile, remained an indifferent spectator of all these violences: and without employing his officers in committing any immediate injury on the priests, which might have appeared invidious and oppressive, he took ample vengeance on them for their obstinate refusal of his demands. Though the archbishop issued a general sentence of excommunication against all who attacked the persons or property of ecclesiastics, it was not regarded; while Edward enjoyed the satisfaction of seeing the people become the voluntary instruments of his justice against them, and inure themselves to throw off that respect for the sacred order by which they had so long been overawed and governed.

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<sup>116</sup> Walsing. p. 65. Heming. vol. i. p. 51.

<sup>117</sup> Walsing. p. 69. Heming. vol. i. p. 107.

<sup>118</sup> M. West. p. 429.

<sup>119</sup> Heming. vol. i. p. 109.

The spirits of the clergy were at last broken by this harsh treatment. Besides that the whole province of York, which lay nearest the danger that still hung over them from the Scots, voluntarily, from the first, voted a fifth of their movables, the bishops of Salisbury, Ely, and some others, made a composition for the secular clergy within their dioceses; and they agreed

not to pay the fifth, which would have been an act of disobedience to Boniface's bull, but to deposit a sum equivalent in some church appointed them, whence it was taken by the king's officers.<sup>121</sup> Many particular convents and clergymen made payment of a like sum, and received the king's protection.<sup>122</sup> Those who had not ready money, entered into recognizances for the payment. And there was scarcely found one ecclesiastic in the kingdom who seemed willing to suffer, for the sake of religious privileges, this new species of martyrdom, the most tedious and languishing of any, the most mortifying to spiritual pride, and not rewarded by that crown of glory which the church holds up with such ostentation to her devoted adherents.

But as the money granted by parliament, though considerable, was not sufficient to supply the king's necessities, and that levied by compositions with the clergy came in slowly, Edward was obliged, for the obtaining of further supply, to exert his arbitrary power, and to lay an oppressive hand on all orders of men in the kingdom. He limited the merchants in the quantity of wool allowed to be exported; and at the same time forced them to pay him a duty of forty shillings a sack, which was computed to be above the third of the value.<sup>123</sup> He seized all the rest of the wool, as well as all the leather of the kingdom, into his hands, and disposed of these commodities for his own benefit;<sup>124</sup> he required the sheriffs of each county to supply him with two thousand quarters of wheat, and as many of oats, which he permitted them to seize wherever they could find them: the cattle and other commodities necessary for supplying his army, were laid hold of without the consent of the owners;<sup>125</sup> and though he promised to pay afterwards the equivalent of all these goods, men saw but little probability that a prince, who submitted so little to the limitations of law, could ever, amidst his multiplied necessities, be reduced to a strict observance of his engagements.

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<sup>120</sup> Heming. vol. i. p. 108, 109. Chron. Dunst. p. 653.

<sup>121</sup> Chron. Dunst. vol. ii. p. 654.

<sup>122</sup> Walsing. p. 69. Trivet, p. 296.

<sup>123</sup> Heming, vol. i. p. 52, 110.

He showed at the same time an equal disregard to the principles of the feudal law, by which all the lands of his kingdom were held: in order to increase his army, and enable him to support that great effort which he intended to make against France, he required the attendance of every proprietor of land possessed of twenty pounds a year, even though he held not of the crown, and was not obliged by his tenure to perform any such service.<sup>126</sup>

These acts of violence and of arbitrary power, notwithstanding the great personal regard generally borne to the king, bred murmurs in every order of men; and it was not long ere some of the great nobility, jealous of their own privileges, as well as of national liberty, gave countenance and authority to these complaints. Edward assembled on the sea-coast an army which he purposed to send over to Gascony, while he himself should in person make an impression on the side of Flanders; and he intended to put these forces under the command of Humphrey Bohun, earl of Hereford, the constable, and Roger Bigod, earl of Norfolk, the mareschal of England. But these two powerful earls refused to execute his commands, and affirmed that they were only obliged by their office to attend his person in the wars. A violent altercation ensued: and the king, in the height of his passion, addressing himself to the constable, exclaimed, "Sir Earl, by God, you shall either go or hang." "By God, Sir King," replied Hereford, "I will neither go nor hang."<sup>127</sup> And he immediately departed with the mareschal and above thirty other considerable barons.

Upon this opposition, the king laid aside the project of an expedition against Guienne, and assembled the forces which he himself purposed to transport into Flanders. But the two earls, irritated in the contest and elated by impunity, pretending that none of their ancestors had ever served in that country, refused to perform the duty of their office in mustering the army.<sup>128</sup> The king, now finding it advisable to proceed with moderation, instead of attainting the earls, who possessed their dignities by hereditary right, appointed Thomas de Berkeley and Geoffrey de Geyneville to act in that emergence as constable and mareschal.<sup>129</sup>

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<sup>124</sup> Walsing. p. 69.

<sup>125</sup>..... Heming. vol. i. p. 112.

<sup>126</sup>..... Rymer, vol. ii. p. 783. Walsing. p. 70.

<sup>127</sup>..... M. West, p. 430.

He endeavored to reconcile himself with the church; took the primate again into favor,<sup>130</sup>..... made him, in conjunction with Reginald de Grey, tutor to the prince, whom he intended to appoint guardian of the kingdom during his absence; and he even assembled a great number of the nobility in Westminster Hall, to whom he deigned to make an apology for his past conduct. He pleaded the urgent necessities of the crown; his extreme want of money; his engagements from honor as well as interest to support his foreign allies; and he promised, if ever he returned in safety, to redress all their grievances, to restore the execution of the laws, and to make all his subjects compensation for the losses which they had sustained. Meanwhile, he begged them to suspend their animosities; to judge of him by his future conduct, of which, he hoped, he should be more master; to remain faithful to his government, or, if he perished in the present war, to preserve their allegiance to his son and successor.<sup>131</sup>.....

There were, certainly, from the concurrence of discontents among the great, and grievances of the people, materials sufficient in any other period to have kindled a civil war in England: but the vigor and abilities of Edward kept every one in awe; and his dexterity in stopping on the brink of danger, and retracting the measures to which he had been pushed by his violent temper and arbitrary principles, saved the nation from so great a calamity. The two great earls dared not to break out into open violence: they proceeded no further than framing a remonstrance, which was delivered to the king at Winchelsea, when he was ready to embark for Flanders. They there complained of the violations of the Great Charter, and that of forests; the violent seizure of corn, leather, cattle, and, above all, of wool, a commodity which they affirmed to be equal in value to half the lands of the kingdom; the arbitrary imposition of forty shillings a sack on the small quantity of wool allowed to be exported by the merchants; and they claimed an immediate redress of all these grievances.<sup>132</sup>..... The king told them that the greater part of his council were now at a distance, and



without their advice he could not deliberate on measures of so great importance.<sup>133</sup>

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<sup>128</sup> Heming. vol. i. p. 113.

<sup>129</sup> Heming. vol. i. p. 114. M. West. p. 430.

<sup>130</sup> Walsing. p. 72. Heming. vol. i. p. 115. Trivet, p. 302.

<sup>131</sup> Walsing. p. 72. Heming. vol. i. p. 117. Trivet, p. 304.

But the constable and mareschal, with the barons of their party resolved to take advantage of Edward's absence and to obtain an explicit assent to their demands. When summoned to attend the parliament at London, they came with a great body of cavalry and infantry; and before they would enter the city, required that the gates should be put into their custody.<sup>134</sup> The primate, who secretly favored all their pretensions, advised the council to comply; and thus they became masters both of the young prince and of the resolutions of parliament. Their demands, however, were moderate, and such as sufficiently justify the purity of their intentions in all their past measures: they only required that the two charters should receive a solemn confirmation; that a clause should be added to secure the nation forever against all impositions and taxes without consent of parliament; and that they themselves, and their adherents, who had refused to attend the king into Flanders, should be pardoned for the offence, and should be again received into favor.<sup>135</sup> The prince of Wales and his council assented to these terms, and the charters were sent over to the king in Flanders, to be there confirmed by him. Edward felt the utmost reluctance to this measure, which, he apprehended, would for the future impose fetters on his conduct, and set limits to his lawless authority. On various pretences he delayed three days giving any answer to the deputies; and when the pernicious consequences of his refusal were represented to him, he was at last obliged, after many internal struggles, to affix his seal to the charters, as also to the clause that bereaved him of the power which he had hitherto assumed, of imposing arbitrary taxes upon the people.

That we may finish at once this interesting transaction concerning the settlement of the charters, we shall briefly mention the subsequent events

which relate to it. The constable and mareschal, informed of the king's compliance, were satisfied, and not only ceased from disturbing the government, but assisted the regency with their power against the Scots, who had risen in arms, and had thrown off the yoke of England.<sup>136</sup>

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<sup>132</sup> Heming. vol. i. p. 138.

<sup>133</sup> Walsing, p. 73. Heming. vol. i. p. 138, 139 140, 141. Trivet, p. 308.

<sup>134</sup> Walsing, p. 74. Heming. vol. i. p. 143.

But being sensible that the smallest pretence would suffice to make Edward retract these detested laws, which, though they had often received the sanction both of king and parliament, and had been acknowledged during three reigns, were never yet deemed to have sufficient validity, they insisted that he should again confirm them on his return to England, and should thereby renounce all plea which he might derive from his residing in a foreign country when he formerly affixed his seal to them.<sup>137</sup> It appeared that they judged aright of Edward's character and intentions: he delayed this confirmation as long as possible; and, when the fear of worse consequences obliged him again to comply, he expressly added a salvo for his royal dignity or prerogative, which in effect enervated the whole force of the charters.<sup>138</sup> The two earls and their adherents left the parliament in disgust; and the king was constrained on a future occasion to grant to the people, without any subterfuge, a pure and absolute confirmation of those laws<sup>139</sup> which were so much the object of their passionate affection. Even further securities were then provided for the establishment of national privileges. Three knights were appointed to be chosen in each county, and were invested with the power of punishing, by fine and imprisonment, every transgression or violation of the charters;<sup>140</sup> a precaution which, though it was soon disused, as encroaching too much on royal prerogative, proves the attachment which the English in that age bore to liberty, and their well-grounded jealousy of the arbitrary disposition of Edward.

The work, however, was not yet entirely finished and complete. In order to execute the lesser charter, it was requisite, by new perambulations, to set bounds to the royal forests, and to disafforest all

land which former encroachments had comprehended within their limits. Edward discovered the same reluctance to comply with this equitable demand; and it was not till after many delays on his part, and many solicitations and requests, and even menaces of war and violence,<sup>141</sup> on the part of the barons, that the perambulations were made, and exact boundaries fixed by a jury in each county to the extent of his forests.<sup>142</sup> Had not his ambitious and active temper raised him so many foreign enemies, and obliged him to have recourse so often to the assistance of his subjects, it is not likely that those concessions could ever have been extorted from him.

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<sup>135</sup> Heming. vol. i. p. 159.

<sup>136</sup> Heming. vol. i. p. 167, 168.

<sup>137</sup> Heming. vol. i. p. 168.

<sup>138</sup> Heming. vol. i. p. 170. from the Chronicle of St. Albans, that the barons, not content with the execution of the charter of forests, demanded of Edward as high terms as had been imposed on his father by the earl of Leicester; but no other historian mentions this particular.

<sup>139</sup> Heming. vol. i. p. 171. M. West. p. 431, 433.

But while the people, after so many successful struggles, deemed themselves happy in the secure possession of their privileges, they were surprised in 1305 to find that Edward had secretly applied to Rome, and had procured from that mercenary court an absolution from all the oaths and engagements, which he had so often reiterated, to observe both the charters. There are some historians,<sup>143</sup> so credulous as to imagine, that this perilous step was taken by him for no other purpose than to acquire the merit of granting a new confirmation of the charters, as he did soon after; and a confirmation so much the more unquestionable, as it could never after be invalidated by his successors, on pretence of any force or violence which had been imposed upon him. But, besides that this might have been done with a better grace if he had never applied for any such absolution, the whole tenor of his conduct proves him to be little susceptible of such refinements in patriotism; and this very deed itself, in which he anew

confirmed the charters, carries on the face of it a very opposite presumption. Though he ratified the charters in general, he still took advantage of the papal bull so far as to invalidate the late perambulations of the forests, which had been made with such care and attention, and to reserve to himself the power, in case of favorable incidents, to extend as much as formerly those arbitrary jurisdictions. If the power was not in fact made use of, we can only conclude that the favorable incidents did not offer.

Thus, after the contests of near a whole century, and these ever accompanied with violent jealousies, often with public convulsions, the Great Charter was finally established; and the English nation have the honor of extorting, by their perseverance, this concession from the ablest, the most warlike, and the most ambitious of all their princes.<sup>144</sup> It is computed that above thirty confirmations of the charter were done at different times.

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<sup>140</sup> Brady, vol. ii. p. 84. Carte, vol. ii. p. 292.

<sup>141</sup> It must, however, be remarked, that the king never forgave the chief actors in this transaction; and he found means afterwards to oblige both the constable and mareschal to resign their offices into his hands. The former received a new grant of it; but the office of mareschal given to Thomas of Brotherton, the king's second son times required of several kings, and granted by them in full parliament; a precaution which, while it discovers some ignorance of the true nature of law and government, proves a laudable jealousy of national privileges in the people, and an extreme anxiety lest contrary precedents should ever be pleaded as an authority for infringing them. Accordingly we find that, though arbitrary practices often prevailed, and were even able to establish themselves into settled customs, the validity of the Great Charter was never afterwards formally disputed; and that grant was still regarded as the basis of English government, and the sure rule by which the authority of every custom was to be tried and canvassed. The jurisdiction of the star-chamber, martial law, imprisonment by warrants from the privy-council, and other practices of a like nature, though established for several centuries, were scarcely ever allowed by the English to be parts of their constitution: the affection of the nation for liberty still prevailed over all precedent, and even all political reasoning; the exercise of these powers, after being long the source of secret murmurs among the people, was, in fulness of time, solemnly abolished as illegal, at least as oppressive, by the whole legislative authority.

To return to the period from which this account of the charters has led us: though the king's impatience to appear at the head of his armies in Flanders made him overlook all considerations, either of domestic discontents or of commotions among the Scots, his embarkation had been so long retarded by the various obstructions thrown in his way, that he lost the proper season for action, and after his arrival made no progress against the enemy. The king of France, taking advantage of his absence, had broken into the Low Countries; had defeated the Flemings in the battle of Furnes; had made himself master of Lisle, St. Omer, Courtrai, and Ypres; and seemed in a situation to take full vengeance on the earl of Flanders, his rebellious vassal. But Edward, seconded by an English army of fifty thousand men, (for this is the number assigned by historians,<sup>145</sup>) was able to stop the career of his victories; and Philip, finding all the weak resources of his kingdom already exhausted, began to dread a reverse of fortune, and to apprehend an invasion on France itself.

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<sup>142</sup> Helming, vol i. p 146.

The king of England, on the other hand, disappointed of assistance from Adolph, king of the Romans, which he had purchased at a very high price, and finding many urgent calls for his presence in England, was desirous of ending, on any honorable terms, a war which served only to divert his force from the execution of more important projects. This disposition in both monarchs soon produced a cessation of hostilities for two years; and engaged them to submit their differences to the arbitration of Pope Boniface.

Boniface was among the last of the sovereign pontiffs that exercised an <sup>1298</sup> authority over the temporal jurisdiction of princes; and these exorbitant pretensions, which he had been tempted to assume from the successful example of his predecessors, but of which the season was now past, involved him in so many calamities, and were attended with so unfortunate a catastrophe, that they have been secretly abandoned, though never openly relinquished, by his successors in the apostolic chair. Edward and Philip, equally jealous of papal claims, took care to insert in their reference, that Boniface was made judge of the difference by their consent,

as a private person, not by any right of his pontificate; and the pope, without seeming to be offended at this mortifying clause, proceeded to give a sentence between them, in which they both acquiesced.<sup>146</sup> He brought them to agree, that their union should be cemented by a double marriage; that of Edward himself, who was now a widower, with Margaret, Philip's sister, and that of the prince of Wales with Isabella, daughter of that monarch.<sup>147</sup>

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<sup>143</sup> Rymer, vol. ii. p. 817. Heining. vol. i. p. 149. Trivet, p. 310

<sup>144</sup> Rymer, vol. ii. p. 823

Philip was likewise willing to restore Guienne to the English, which he had indeed no good pretence to detain; but he insisted that the Scots, and their king, John Baliol, should, as his allies, be comprehended in the treaty, and should be restored to their liberty. The difference, after several disputes, was compromised, by their making mutual sacrifices to each other. Edward agreed to abandon his ally the earl of Flanders, on condition that Philip should treat in like manner his ally the king of Scots. The prospect of conquering these two countries, whose situation made them so commodious an acquisition to the respective kingdoms, prevailed over all other considerations; and though they were both finally disappointed in their hopes, their conduct was very reconcilable to the principles of an interested policy. This was the first specimen which the Scots had of the French alliance, and which was exactly conformable to what a smaller power must always expect, when it blindly attaches itself to the will and fortunes of a greater. That unhappy people now engaged in a brave though unequal contest for their liberties, were totally abandoned, by the ally in whom they reposed their final confidence, to the will of an imperious conqueror.

Though England, as well as other European countries, was, in its ancient state, very ill qualified for making, and still worse for maintaining conquests, Scotland was so much inferior in its internal force, and was so ill situated for receiving foreign succors, that it is no wonder Edward, an ambitious monarch, should have cast his eye on so tempting an

acquisition, which brought both security and greatness to his native country. But the instruments whom he employed to maintain his dominion over the northern kingdom were not happily chosen, and acted not with the requisite prudence and moderation, in reconciling the Scottish nation to a yoke which they bore with such extreme reluctance. Warrenne, retiring into England on account of his bad state of health, left the administration entirely in the hands of Ormesby, who was appointed justiciary of Scotland, and Cressingham, who bore the office of treasurer; and a small military force remained, to secure the precarious authority of those ministers. The latter had no other object than the amassing of money by rapine and injustice: the former distinguished himself by the rigor and severity of his temper: and both of them, treating the Scots as a conquered people, made them sensible, too early, of the grievous servitude into which they had fallen. As Edward required that all the proprietors of land should swear fealty to him, every one who refused or delayed giving this testimony of submission, was outlawed and imprisoned, and punished without mercy; and the bravest and most generous spirits of the nation were thus exasperated to the highest degree against the English government.<sup>148</sup>

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<sup>145</sup> Walsing. p. 70. Heming, vol. i. p. 118. Trivet, p. 299.

There was one William Wallace, of a small fortune, but descended of an ancient family in the west of Scotland, whose courage prompted him to undertake, and enabled him finally to accomplish, the desperate attempt of delivering his native country from the dominion of foreigners. This man, whose valorous exploits are the object of just admiration, but have been much exaggerated by the traditions of his countrymen, had been provoked by the insolence of an English officer to put him to death; and finding himself obnoxious on that account to the severity of the administration, he fled into the woods, and offered himself as a leader to all those whom their crimes, or bad fortune, or avowed hatred of the English, had reduced to a like necessity. He was endowed with gigantic force of body, with heroic courage of mind, with disinterested magnanimity, with incredible patience, and ability to bear hunger, fatigue, and all the severities of the

seasons; and he soon acquired, among those desperate fugitives, that authority to which his virtues so justly entitled him. Beginning with small attempts, in which he was always successful, he gradually proceeded to more momentous enterprises; and he discovered equal caution in securing his followers, and valor in annoying the enemy. By his knowledge of the country he was enabled, when pursued, to insure a retreat among the morasses, or forests, or mountains; and again collecting his dispersed associates, he unexpectedly appeared in another quarter, and surprised, and routed, and put to the sword the unwary English. Every day brought accounts of his great actions, which were received with no less favor by his countrymen than terror by the enemy: all those who thirsted after military fame were desirous to partake of his renown: his successful valor seemed to vindicate the nation from the ignominy into which it had fallen, by its tame submission to the English; and though no nobleman of note ventured as yet to join his party, he had gained a general confidence and attachment, which birth and fortune are not alone able to confer.

Wallace, having, by many fortunate enterprises, brought the valor of his followers to correspond to his own, resolved to strike a decisive blow against the English government; and he concerted the plan of attacking Ormesby at Scone; and of taking vengeance on him for all the violence and tyranny of which he had been guilty. The justiciary, apprised of his intentions, fled hastily into England: all the other officers of that nation imitated his example: their terror added alacrity and courage to the Scots, who betook themselves to arms in every quarter; many of the principal barons, and among the rest Sir William Douglas,<sup>149</sup> openly countenanced Wallace's party: Robert Bruce secretly favored and promoted the same cause: and the Scots, shaking off their fetters, prepared themselves to defend, by a united effort, that liberty which they had so unexpectedly recovered from the hands of their oppressors.

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<sup>146</sup> Walsing. p. 70. vol. i. p. 118.

But Warrenne, collecting an army of forty thousand men in the north of England, determined to reëstablish his authority; and he endeavored, by the celerity of his armament and of his march, to compensate for his past



negligence, which had enabled the Scots to throw off the English government. He suddenly entered Annandale, and came up with the enemy at Irvine, before their forces were fully collected, and before they had put themselves in a posture of defence. Many of the Scottish nobles, alarmed with their dangerous situation, here submitted to the English, renewed their oaths of fealty, promised to deliver hostages for their good behavior, and received a pardon for past offences.<sup>150</sup> Others, who had not yet declared themselves, such as the steward of Scotland and the earl of Lenox, joined, though with reluctance, the English army, and waited a favorable opportunity for embracing the cause of their distressed countrymen. But Wallace, whose authority over his retainers was more fully confirmed by the absence of the great nobles, persevered obstinately in his purpose; and finding himself unable to give battle to the enemy, he marched northwards, with an intention of prolonging the war, and of turning to his advantage the situation of that mountainous and barren country. When Warrenne advanced to Stirling, he found Wallace encamped at Cambuskenneth, on the opposite banks of the Forth; and being continually urged by the impatient Cressingham, who was actuated both by personal and national animosities against the Scots,<sup>151</sup> he prepared to attack them in that position, which Wallace, no less prudent than courageous, had chosen for his army.<sup>152</sup>

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<sup>147</sup> Heming. vol. i. p. 121, 22.

<sup>148</sup> Heming. vol. i. p. 127.

<sup>149</sup> On the 11th of September, 1297.

In spite of the remonstrances of Sir Richard Lundy, a Scotchman of birth and family, who sincerely adhered to the English, he ordered his army to pass a bridge which lay over the Forth; but he was soon convinced, by fatal experience, of the error of his conduct. Wallace, allowing such numbers of the English to pass as he thought proper, attacked them before they were fully formed, put them to rout, pushed part of them into the river, destroyed the rest by the edge of the sword, and gained a complete victory over them.<sup>153</sup> Among the slain was Cressingham himself, whose memory

was so extremely odious to the Scots, that they flayed his dead body, and made saddles and girths of his skin.<sup>154</sup> Warrenne, finding the remainder of his army much dismayed by this misfortune, was obliged again to evacuate the kingdom, and retire into England. The Castles of Roxburgh and Berwick, ill fortified and feebly defended, fell soon after into the hands of the Scots.

Wallace, universally revered as the deliverer of his country, now received, from the hands of his followers, the dignity of regent or guardian under the captive Baliol; and finding that the disorders of war, as well as the unfavorable seasons, had produced a famine in Scotland, he urged his army to march into England, to subsist at the expense of the enemy, and to revenge all past injuries, by retaliating on that hostile nation. The Scots, who deemed everything possible under such a leader, joyfully attended his call. Wallace, breaking into the northern counties during the winter season, laid every place waste with fire and sword; and after extending on all sides, without opposition, the fury of his ravages as far as the bishopric of Durham, he returned, loaded with spoils and crowned with glory, into his own country.<sup>155</sup> The disorders which at that time prevailed in England, from the refractory behavior of the constable and mareschal, made it impossible to collect an army sufficient to resist the enemy, and exposed the nation to this loss and dishonor.

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<sup>150</sup> Walsing. p. 73. Heming. vol. i. p. 127, 128, 129. Trivet, p. 807.

<sup>151</sup> Heming. vol. i. p. 130.

<sup>152</sup> Heming. vol. i. p. 131, 132, 136.

But Edward, who received in Flanders intelligence of these events, and had already concluded a truce with France, now hastened over to England, in certain hopes, by his activity and valor, not only of wiping off this disgrace, but of recovering the important conquest of Scotland, which he always regarded as the chief glory and advantage of his reign. He appeased the murmurs of his people by concessions and promises: he restored to the citizens of London the election of their own magistrates, of which they had been bereaved in the latter part of his father's reign: he ordered strict

inquiry to be made concerning the corn and other goods which had been violently seized before his departure, as if he intended to pay the value to the owners:<sup>156</sup> and making public professions of confirming and observing the charters he regained the confidence of the discontented nobles. Having by all these popular arts rendered himself entirely master of his people, he collected the whole military force of England, Wales, and Ireland, and marched with an army of near a hundred thousand combatants to the northern frontiers.

Nothing could have enabled the Scots to resist, but for one season, so mighty a power, except an entire union among themselves; but as they were deprived of their king, whose personal qualities, even when he was present, appeared so contemptible, and had left among his subjects no principle of attachment to him or his family, factions, jealousies, and animosities unavoidably arose among the great, and distracted all their councils. The elevation of Wallace, though purchased by so great merit, and such eminent services, was the object of envy to the nobility, who repined to see a private gentleman raised above them by his rank, and still more by his glory and reputation. Wallace himself, sensible of their jealousy and dreading the ruin of his country from those intestine discords, voluntarily resigned his authority, and retained only the command over that body of his followers who, being accustomed to victory under his standard, refused to follow into the field any other leader. The chief power devolved on the steward of Scotland, and Cummin of Badenoch; men of eminent birth, under whom the great chieftains were more willing to serve in defence of their country. The two Scottish commanders, collecting their several forces from every quarter, fixed their station at Falkirk, and purposed there to abide the assault of the English. Wallace was at the head of a third body, which acted under his command. The Scottish army placed their pikemen along their front; lined the intervals between the three bodies with archers; and dreading the great superiority of the English in cavalry, endeavored to secure their front by palisadoes, tied together by ropes.<sup>157</sup> In this disposition they expected the approach of the enemy.

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<sup>153</sup> Rymer, vol. ii. p. 813.

<sup>154</sup>..... Walsing. p. 75. Heming, vol. i. p. 163.

The king, when he arrived in sight of the Scots, was pleased with the prospect of being able, by one decisive stroke, to determine the fortune of the war; and dividing his army also into three bodies, he led them to the attack. The English archers, who began about this time to surpass those of other nations, first chased the Scottish bowmen off the field; then pouring in their arrows among the pikemen, who were cooped up within their intrenchments, threw them into disorder, and rendered the assault of the English pikemen and cavalry more easy and successful. The whole Scottish army was broken, and chased off the field with great slaughter; which the historians, attending more to the exaggerated relations of the populace than to the probability of things, make amount to fifty or sixty thousand men.<sup>158</sup>..... It is only certain, that the Scots never suffered a greater loss in any action, nor one which seemed to threaten more inevitable ruin to their country.

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<sup>155</sup>..... Walsing. p. 76. T. Wykes, p. 127. Heming vol. i. p. 163, 164, 165. Trivet (p. 313) says only twenty thousand. M. West. (p. 431) says forty thousand.

In this general rout of the army, Wallace's military skill and presence of mind enabled him to keep his troops entire and retiring behind the Carron, he marched leisurely along the banks of that small river, which protected him from the enemy. Young Bruce, who had already given many proofs of his aspiring genius, but who served hitherto in the English army, appeared on the opposite banks, and distinguishing the Scottish chief, as well by his majestic port as by the intrepid activity of his behavior, called out to him, and desired a short conference. He here represented to Wallace the fruitless and ruinous enterprise in which he was engaged; and endeavored to bend his inflexible spirit to submission under superior power and superior fortune: he insisted on the unequal contest between a weak state, deprived of its head and agitated by intestine discord, and a mighty nation, conducted by the ablest and most martial monarch of the age, and possessed of every resource either for protracting the war, or for

pushing it with vigor and activity; if the love of his country were his motive for perseverance, his obstinacy tended only to prolong her misery; if he carried his views to private grandeur and ambition, he might reflect that, even if Edward should withdraw his armies, it appeared from past experience, that so many haughty nobles, proud of the preeminence of their families, would never submit to personal merit, whose superiority they were less inclined to regard as an object of admiration than as a reproach and injury to themselves. To these exhortations Wallace replied that, if he had hitherto acted alone, as the champion of his country, it was solely because no second or competitor, or what he rather wished, no leader, had yet appeared to place himself in that honorable station: that the blame lay entirely on the nobility, and chiefly on Bruce himself, who, uniting personal merit to dignity of family, had deserted the post which both nature and fortune, by such powerful calls, invited him to assume: that the Scots, possessed of such a head, would, by their unanimity and concord, have surmounted the chief difficulty under which they now labored, and might hope, notwithstanding their present losses, to oppose successfully all the power and abilities of Edward: that heaven itself could not set a more glorious prize before the eyes either of virtue or ambition, than to join in one object, the acquisition of royalty with the defence of national independence: and that as the interests of his country, no more than those of a brave man, could never be sincerely cultivated by a sacrifice of liberty, he himself was determined, as far as possible, to prolong, not her misery, but her freedom, and was desirous that his own life, as well as the existence of the nation, might terminate when they could no otherwise be preserved than by receiving the chains of a haughty victor. The gallantry of these sentiments, though delivered by an armed enemy, struck the generous mind of Bruce: the flame was conveyed from the breast of one hero to that of another: he repented of his engagements with Edward; and opening his eyes to the honorable path pointed out to him by Wallace, secretly determined to seize the first opportunity of embracing the cause, however desperate, of his oppressed country.<sup>159</sup>

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<sup>156</sup> This story is told by all the Scotch writers; though it must be owned that Trivet and Hemingford, authors of good credit, both agree that Bruce was not at that time in Edward's army.

The subjection of Scotland, notwithstanding this great victory of 1299. Edward, was not yet entirely completed. The English army, after reducing the southern provinces, was obliged to retire for want of provisions; and left the northern counties in the hands of the natives. The Scots, no less enraged at their present defeat than elated by their past victories, still maintained the contest for liberty; but being fully sensible of the great inferiority of their force, they endeavored, by applications to foreign courts, to procure to themselves some assistance. The supplications of the Scottish ministers were rejected by Philip; but were more successful with the court of Rome.

Boniface, pleased with an occasion of exerting his authority, wrote a 1300. letter to Edward, exhorting him to put a stop to his oppressions in Scotland, and displaying all the proofs, such as they had probably been furnished him by the Scots themselves, for the ancient independence of that kingdom.<sup>160</sup> Among other arguments hinted at above, he mentioned the treaty conducted and finished by Edward himself, for the marriage of his son with the heiress of Scotland; a treaty which would have been absurd, had he been superior lord of the kingdom, and had possessed by the feudal law the right of disposing of his ward in marriage. He mentioned several other striking facts, which fell within the compass of Edward's own knowledge particularly that Alexander, when he did homage to the king, openly and expressly declared in his presence, that he swore fealty not for his crown, but for the lands which he held in England: and the pope's letter might have passed for a reasonable one, had he not subjoined his own claim to be liege lord of Scotland; a claim which had not once been heard of, but which, with a singular confidence, he asserted to be full, entire, and derived from the most remote antiquity. The affirmative style, which had been so successful with him and his predecessors in spiritual contests, was never before abused after a more egregious manner in any civil controversy.

The reply which Edward made to Boniface's letter, contains particulars 1301. no less singular and remarkable.<sup>161</sup> He there proves the superiority of England by historical facts, deduced from the period of Brutus, the Trojan, who, he said, founded the British monarchy in the age of Eli and Samuel:

he supports his position by all the events which passed in the island before the arrival of the Romans: and after laying great stress on the extensive dominions and heroic victories of King Arthur, he vouchsafes at last to descend to the time of Edward the Elder, with which, in his speech to the states of Scotland, he had chosen to begin his claim of superiority. He asserts it to be a fact, “notorious and confirmed by the records of antiquity,” that the English monarchs had often conferred the kingdom of Scotland on their own subjects, had dethroned these vassal kings when unfaithful to them; and had substituted others in their stead.

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<sup>157</sup> Rymer, vol. ii. p. 844.

<sup>158</sup> Rymer, vol. ii. p. 863.

He displays with great pomp the full and complete homage which William had done to Henry II.; without mentioning the formal abolition of that extorted deed by King Richard, and the renunciation of all future claims of the same nature. Yet this paper he begins with a solemn appeal to the Almighty, the searcher of hearts for his own firm persuasion of the justice of his claim; and no less than a hundred and four barons, assembled in parliament at Lincoln, concur in maintaining before the pope, under their seals, the validity of these pretensions.<sup>162</sup> At the same time, however, they take care to inform Boniface, that, though they had justified their cause before him, they did not acknowledge him for their judge: the crown of England was free and sovereign: they had sworn to maintain all its royal prerogatives, and would never permit the king himself, were he willing, to relinquish its independency.

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<sup>159</sup> Rymer, vol. ii. p. 873. Walsing. p. 85. Heming. vol. i. p. 186. Trivet, p. 330, M. West, p 443.

That neglect, almost total, of truth and justice, which sovereign <sup>1302</sup>. states discover in their transactions with each other, is an evil universal and inveterate; is one great source of the misery to which the human race is continually exposed; and it may be doubted whether, in many instances,

it be found in the end to contribute to the interests of those princes themselves, who thus sacrifice their integrity to their politics. As few monarchs have lain under stronger temptations to violate the principles of equity than Edward in his transactions with Scotland, so never were they violated with less scruple and reserve: yet his advantages were hitherto precarious and uncertain, and the Scots, once roused to arms and inured to war, began to appear a formidable enemy, even to this military and ambitious monarch. They chose John Cummin for their regent; and, not content with maintaining their independence in the northern parts, they made incursions into the southern counties, which Edward imagined he had totally subdued. John de Segrave, whom he had left guardian of Scotland, led an army to oppose them; and lying at Roslin, near Edinburgh, sent out his forces in three divisions, to provide themselves with forage and subsistence from the neighborhood.

One party was suddenly attacked by the regent and Sir Simon Fraser; <sup>1393.</sup> and being unprepared, was immediately routed and pursued with great slaughter. The few that escaped, flying to the second division, gave warning of the approach of the enemy: the soldiers ran to their arms; and were immediately led on to take revenge for the death of their countrymen. The Scots, elated with the advantage already obtained made a vigorous impression upon them: the English, animated with a thirst of vengeance, maintained a stout resistance: the victory was long undecided between them; but at last declared itself entirely in favor of the former, who broke the English, and chased them to the third division, now advancing with a hasty march to support their distressed companions. Many of the Scots had fallen in the two first actions; most of them were wounded, and all of them extremely fatigued by the long continuance of the combat: yet were they so transported with success and military rage, that, having suddenly recovered their order, and arming the followers of their camp with the spoils of the slaughtered enemy, they drove with fury upon the ranks of the dismayed English. The favorable moment decided the battle; which the Scots, had they met with a steady resistance, were not long able to maintain: the English were chased off the field: three victories were thus gained in one day;<sup>163</sup> and the renown of these great exploits, seconded by the favorable dispositions of the people, soon made the regent master of all



the fortresses in the south; and it became necessary for Edward to begin anew the conquest of the kingdom.

The king prepared himself for this enterprise with his usual vigor and abilities. He assembled both a great fleet and a great army; and entering the frontiers of Scotland, appeared with a force which the enemy could not think of resisting in the open field: the English navy, which sailed along the coast, secured the army from any danger of famine: Edward's vigilance preserved it from surprises: and by this prudent disposition they marched victorious from one extremity of the kingdom to the other, ravaging the open country, reducing all the castles,<sup>164</sup> and receiving the submissions of all the nobility, even those of Cummin, the regent.

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<sup>160</sup> Heming. vol. i. p. 197.

<sup>161</sup> Heming. vol. i. p. 205. the kingdom. Wallace, though he attended the English army in their march, found but few opportunities of signaling that valor which had formerly made him so terrible to his enemies.

The most obstinate resistance was made by the Castle of Brechin, defended by Sir Thomas Maule; and the place opened not its gates, till the death of the governor, by discouraging the garrison, obliged them to submit to the fate which had overwhelmed the rest.

Edward, having completed his conquest, which employed him during <sup>1304</sup> the space of near two years, now undertook the more difficult work of settling the country, of establishing a new form of government, and of making his acquisition durable to the crown of England. He seems to have carried matters to extremity against the natives: he abrogated all the Scottish laws and customs:<sup>165</sup> he endeavored to substitute the English in their place: he entirely razed or destroyed all the monuments of antiquity: such records or histories as had escaped his former search were now burnt or dispersed: and he hastened, by too precipitate steps, to abolish entirely the Scottish name, and to sink it finally in the English.

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<sup>162</sup> Ryley, p. 506.

Edward, however, still deemed his favorite conquest exposed to <sup>1305</sup>. some danger so long as Wallace was alive; and being prompted both by revenge and policy, he employed every art to discover his retreat, and become master of his person. At last that hardy warrior, who was determined, amidst the universal slavery of his countrymen, still to maintain his independency, was betrayed into Edward's hands by Sir John Monteith, his friend, whom he had made acquainted with the place of his concealment. The king, whose natural bravery and magnanimity should have induced him to respect like qualities in an enemy, enraged at some acts of violence committed by Wallace during the fury of war, resolved to overawe the Scots by an example of severity: he ordered Wallace to be carried in chains to London; to be tried as a rebel and traitor, though he had never made submissions or sworn fealty to England; and to be executed on Tower Hill. This was the unworthy fate of a hero, who, through a course of many years, had, with signal conduct, intrepidity, and perseverance, defended, against a public and oppressive enemy, the liberties of his native country.

But the barbarous policy of Edward failed of the purpose to which it was directed. The Scots, already disgusted at the great innovations introduced by the sword of a conqueror into their laws and government, were further enraged at the injustice and cruelty exercised upon Wallace; and all the envy which, during his lifetime, had attended that gallant chief, being now buried in his grave, he was universally regarded as the champion of Scotland and the patron of her expiring independency. The people, inflamed with resentment, were every where disposed to rise against the English government; and it was not long ere a new and more fortunate leader presented himself, who conducted them to liberty, to victory, and to vengeance.

Robert Bruce, grandson of that Robert who had been one of the <sup>1306</sup>. competitors for the crown, had succeeded, by his grandfather's and father's death, to all their rights; and the demise of John Baliol, together with the captivity of Edward, eldest son of that prince, seemed to open a full career to the genius and ambition of this young nobleman. He saw that the Scots, when the title to their crown had expired in the males of their ancient royal family, had been divided into parties nearly equal between

the houses of Bruce and Baliol; and that every incident which had since happened, had tended to wean them from any attachment to the latter. The slender capacity of John had proved unable to defend them against their enemies: he had meanly resigned his crown into the hands of the conqueror: he had, before his deliverance from captivity, reiterated that resignation in a manner seemingly voluntary; and had in that deed thrown out many reflections extremely dishonorable to his ancient subjects, whom he publicly called traitors, ruffians, and rebels, and with whom, he declared, he was determined to maintain no further correspondence;<sup>166</sup> he had, during the time of his exile, adhered strictly to that resolution; and his son, being a prisoner, seemed ill qualified to revive the rights, now fully abandoned, of his family.

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<sup>163</sup> Brady's Hist. vol. ii. App. No. 27.

Bruce therefore hoped that the Scots, so long exposed, from the want of a leader, to the oppressions of their enemies, would unanimously fly to his standard, and would seat him on the vacant throne, to which he brought such plausible pretensions. His aspiring spirit, inflamed by the fervor of youth, and buoyed up by his natural courage, saw the glory alone of the enterprise, or regarded the prodigious difficulties which attended it as the source only of further glory. The miseries and oppressions which he had beheld his countrymen suffer in their unequal contest, the repeated defeats and misfortunes which they had undergone, proved to him so many incentives to bring them relief, and conduct them to vengeance against the haughty victor. The circumstances which attended Bruce's first declaration are variously related; but we shall rather follow the account given by the Scottish historians; not that their authority is in general anywise comparable to that of the English, but because they may be supposed sometimes better informed concerning facts which so nearly interested their own nation.

Bruce, who had long harbored in his breast the design of freeing his enslaved country, ventured at last to open his mind to John Cummin, a powerful nobleman, with whom he lived in strict intimacy. He found his friend, as he imagined, fully possessed with the same sentiments; and he

needed to employ no arts of persuasion to make him embrace the resolution of throwing off, on the first favorable opportunity, the usurped dominion of the English. But on the departure of Bruce, who attended Edward to London, Cummin, who either had all along dissembled with him, or began to reflect more coolly in his absence on the desperate nature of the undertaking, resolved to atone for his crime in assenting to this rebellion, by the merit of revealing the secret to the king of England. Edward did not immediately commit Bruce to custody; because he intended at the same time to seize his three brothers, who resided in Scotland; and he contented himself with secretly setting spies upon him, and ordering all his motions to be strictly watched. A nobleman of Edward's court, Bruce's intimate friend, was apprised of his danger; but not daring, amidst so many jealous eyes, to hold any conversation with him, he fell on an expedient to give him warning, that it was full time he should make his escape. He sent him by his servant a pair of gilt spurs and a purse of gold, which he pretended to have borrowed from him; and left it to the sagacity of his friend to discover the meaning of the present. Bruce immediately contrived the means of his escape; and as the ground was at that time covered with snow, he had the precaution, it is said, to order his horses to be shod with their shoes inverted, that he might deceive those who should track his path over the open fields or cross roads, through which he purposed to travel. He arrived in a few days at Dumfries, in Annandale, the chief seat of his family interest; and he happily found a great number of the Scottish nobility there assembled, and among the rest, John Cummin, his former associate.

The noblemen were astonished at the appearance of Bruce among them; and still more when he discovered to them the object of his journey. He told them that he was come to live or die with them in defence of the liberties of his country, and hoped, with their assistance, to redeem the Scottish name from all the indignities which it had so long suffered from the tyranny of their imperious masters: that the sacrifice of the rights of his family was the first injury which had prepared the way for their ensuing slavery; and by resuming them, which was his firm purpose, he opened to them the joyful prospect of recovering from the fraudulent usurper their ancient and hereditary independence: that all past misfortunes had proceeded from their disunion; and they would soon

appear no less formidable than of old to their enemies, if they now deigned to follow into the field their rightful prince, who knew no medium between death and victory, that their mountains and their valor, which had, during so many ages, protected their liberty from all the efforts of the Roman empire, would still be sufficient, were they worthy of their generous ancestors, to defend them against the utmost violence of the English tyrant: that it was unbecoming men, born to the most ancient independence known in Europe, to submit to the will of any masters; but fatal to receive those who, being irritated by such persevering resistance, and inflamed with the highest animosity, would never deem themselves secure in their usurped dominion but by exterminating all the ancient nobility, and even all the ancient inhabitants: and that, being reduced to this desperate extremity, it were better for them at once to perish like brave men, with swords in their hands, than to dread long, and at last undergo, the fate of the unfortunate Wallace, whose merits, in the brave and obstinate defence of his country, were finally rewarded by the hands of an English executioner.

The spirit with which this discourse was delivered, the bold sentiments which it conveyed, the novelty of Bruce's declaration, assisted by the graces of his youth and manly deportment, made deep impression on the minds of his audience, and roused all those principles of indignation and revenge, with which they had so long been secretly actuated. The Scottish nobles declared their unanimous resolution to use the utmost efforts in delivering their country from bondage, and to second the courage of Bruce, in asserting his and their undoubted rights against their common oppressors. Cummin alone who had secretly taken his measures with the king, opposed this general determination; and by representing the great power of England, governed by a prince of such uncommon vigor and abilities, he endeavored to set before them the certain destruction which they must expect, if they again violated their oaths of fealty, and shook off their allegiance to the victorious Edward.<sup>167</sup> Bruce, already apprised of his treachery, and foreseeing the certain failure of all his own schemes of ambition and glory from the opposition of so potent a leader, took immediately his resolution; and moved partly by resentment, partly by policy, followed Cummin on the dissolution of the assembly, attacked him in the cloisters of the Gray Friars, through which

he passed, and running him through the body, left him for dead. Sir Thomas Kirkpatric, one of Bruce's friends, asking him soon after if the traitor were slain, "I believe so," replied Bruce. "And is that a matter," cried Kirkpatric, "to be left to conjecture? I will secure him." Upon which he drew his dagger, ran to Cummin, and stabbed him to the heart. This deed of Bruce and his associates, which contains circumstances justly condemned by our present manners, was regarded in that age as an effort of manly vigor and just policy. The family of Kirkpatric took for the crest of their arms, which they still wear, a hand with a bloody dagger; and chose for their motto these words, "I will secure him;" the expression employed by their ancestor when he executed that violent action.

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<sup>164</sup> M. West. p. 453.

The murder of Cummin affixed the seal to the conspiracy of the Scottish nobles: they had now no resource left but to shake off the yoke of England, or to perish in the attempt: the genius of the nation roused itself from its present dejection: and Bruce, flying to different quarters, excited his partisans to arms, attacked with success the dispersed bodies of the English, got possession of many of the castles, and having made his authority be acknowledged in most parts of the kingdom, was solemnly crowned and inaugurated in the abbey of Scone by the bishop of St. Andrews, who had zealously embraced his cause. The English were again chased out of the kingdom, except such as took shelter in the fortresses that still remained in their hands; and Edward found that the Scots, twice conquered in his reign, and often defeated, must yet be anew subdued. Not discouraged with these unexpected difficulties, he sent Aymer de Valence with a considerable force into Scotland, to check the progress of the malecontents; and that nobleman, falling unexpectedly upon Bruce, at Methven, in Perthshire, threw his army into such disorder as ended in a total defeat.<sup>168</sup> Bruce fought with the most heroic courage, was thrice dismounted in the action, and as often recovered himself; but was at last obliged to yield to superior fortune, and take shelter, with a few followers, in the Western Isles. The earl of Athole, Sir Simon Fraser, and Sir

Christopher Seton, who had been taken prisoners, were ordered by Edward to be executed as rebels and traitors.<sup>169</sup>

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<sup>165</sup> Walsing. p. 91. Heming. vol. i. p. 222, 223. Trivet, p. 344.

<sup>166</sup> Heming. vol. i. p. 223. M. West. p. 456.

Many other acts of rigor were exercised by him; and that prince, <sup>1307</sup> vowing revenge against the whole Scottish nation, whom he deemed incorrigible in their aversion to his government, assembled a great army, and was preparing to enter the frontiers, secure of success, and determined to make the defenceless Scots the victims of his severity, when he unexpectedly sickened and died near Carlisle; enjoining with his last breath his son and successor to prosecute the enterprise, and never to desist till he had finally subdued the kingdom of Scotland. He expired in the sixty-ninth year of his age, and the thirty-fifth of his reign, hated by his neighbors, but extremely respected and revered by his own subjects.

The enterprises finished by this prince, and the projects which he formed and brought near to a conclusion, were more prudent, more regularly conducted, and more advantageous to the solid interests of his kingdom, than those which were undertaken in any reign, either of his ancestors or his successors. He restored authority to the government, disordered by the weakness of his father; he maintained the laws against all the efforts of his turbulent barons; he fully annexed to his crown the principality of Wales; he took many wise and vigorous measures for reducing Scotland to a like condition; and though the equity of this latter enterprise may reasonably be questioned, the circumstances of the two kingdoms promised such certain success, and the advantage was so visible of uniting the whole island under one head, that those who give great indulgence to reasons of state in the measures of princes, will not be apt to regard this part of his conduct with much severity. But Edward, however exceptionable his character may appear on the head of justice, is the model of a politic and warlike king: he possessed industry, penetration, courage, vigilance, and enterprise: he was frugal in all expenses that were not necessary; he knew how to open the public treasures on a proper occasion;

he punished criminals with severity; he was gracious and affable to his servants and courtiers; and being of a majestic figure, expert in all military exercises, and in the main well proportioned in his limbs, notwithstanding the great length and the smallness of his legs, he was as well qualified to captivate the populace by his exterior appearance, as to gain the approbation of men of sense by his more solid virtues.

But the chief advantage which the people of England reaped, and still continue to reap, from the reign of this great prince, was the correction, extension, amendment, and establishment of the laws which Edward maintained in great vigor, and left much improved to posterity; for the acts of a wise legislator commonly remain, while the acquisition of a conqueror often perish with him. This merit has justly gained to Edward the appellation of the English Justinian. Not only the numerous statutes passed in his reign touch the chief points of jurisprudence, and, according to Sir Edward Coke,<sup>170</sup> truly deserve the name of establishments, because they were more constant, standing, and durable laws than any made since; but the regular order maintained in his administration gave an opportunity to the common law to refine itself, and brought the judges to a certainty in their determinations, and the lawyers to a precision in their pleadings. Sir Matthew Hale has remarked the sudden improvement of English law during this reign; and ventures to assert, that till his own time it had never received any considerable increase.<sup>171</sup> Edward settled the jurisdiction of the several courts; first established the office of justice of peace; abstained from the practice, too common before him, of interrupting justice by mandates from the privy-council;<sup>172</sup> repressed robberies and Edward enacted a law to this purpose; but it is doubtful whether he ever observed it. We are sure that scarcely any of his successors did.

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<sup>167</sup> Institute, p. 156.

<sup>168</sup> History of the English Law, p. 158, 163.

<sup>169</sup> Articuli super Cart. cap. 6., Letters of protection were the ground of a complaint by the commons in 3, Edward (See Ryley, p. 525.) This practice is declared illegal.



The multitude of these disorders<sup>173</sup> encouraged trade, by giving merchants an easy method of recovering their debts;<sup>174</sup> and, in short, introduced a new face of things by the vigor and wisdom of his administration. As law began now to be well established, the abuse of that blessing began also to be remarked. Instead of their former associations for robbery and violence, men entered into formal combinations to support each other in lawsuits, and it was found requisite to check this iniquity by act of parliament.<sup>175</sup>

There happened in this reign a considerable alteration in the execution of the laws: the king abolished the office of chief justiciary, which, he thought, possessed too much power, and was dangerous to the crown;<sup>176</sup> he completed the division of the court of exchequer into four distinct courts, which managed each its several branch, without dependence on any one magistrate; and as the lawyers afterwards invented a method, by means of their fictions, of carrying business from one court to another, the several courts became rivals and checks to each other; a circumstance which tended much to improve the practice of the law in England.

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<sup>170</sup> Statute of Winton.

<sup>171</sup> Statute of Acton Burnel

<sup>172</sup> Statute of Conspirators.

<sup>173</sup> Spel. Gloss, in verbo Justiciarius. Gilbert's History of the Exchequer, p. 8: not bound to it by his tenure; his visible reluctance to confirm the Great Charter, as if that concession had no validity from the deeds of his predecessors; the captious clause which he at last annexed to his confirmation; his procuring of the pope's dispensation from the oaths which he had taken to observe that charter; and his levying of talliages at discretion even after the statute, or rather charter, by which he had renounced that prerogative; these are so many demonstrations of his arbitrary disposition, and prove with what exception and reserve we ought to celebrate his love of justice. He took care that his subjects should do justice to each other; but he desired always to have his own hands free in all his transactions, both with them and with his neighbors.

But though Edward appeared thus, throughout his whole reign, a friend to law and justice, it cannot be said that he was an enemy to arbitrary power;

and in a government more regular and legal than was that of England in his age, such practices as those which may be remarked in his administration, would have given sufficient ground of complaint, and sometimes were even in his age the object of general displeasure. The violent plunder and banishment of the Jews; the putting of the whole clergy at once, and by an arbitrary edict, out of the protection of law; the seizing of all the wool and leather of the kingdom; the heightening of the impositions on the former valuable commodity; the new and illegal commission of Trailbaston; the taking of all the money and plate of monasteries and churches, even before he had any quarrel with the clergy; the subjecting of every man possessed of twenty pounds a year to military service, though by the statute of Northampton, passed in the second of Edward III.; but it still continued, like many other abuses. There are instances of it so late as the reign of Queen Elizabeth.

The chief obstacle to the execution of justice in those times was the power of the great barons; and Edward was perfectly qualified, by his character and abilities, for keeping these tyrants in awe, and restraining their illegal practices. This salutary purpose was accordingly the great object of his attention; yet was he imprudently led into a measure which tended to increase and confirm their dangerous authority. He passed a statute which, by allowing them to entail their estates, made it impracticable to diminish the property of the great families, and left them every means of increase and acquisition.<sup>177</sup>

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<sup>174</sup> Brady of Boroughs, p. 25, from the records

Edward observed a contrary policy with regard to the church: he seems to have been the first Christian prince that passed a statute of mortmain; and prevented by law the clergy from making new acquisitions of lands, which by the ecclesiastical canons they were forever prohibited from alienating. The opposition between his maxims with regard to the nobility and to the ecclesiastics, leads us to conjecture, that it was only by chance he passed the beneficial statute of mortmain, and that his sole object was to maintain the number of knights' fees, and to prevent the superiors from being defrauded of the profits of wardship, marriage, livery, and other

emoluments arising from the feudal tenures. This is indeed, the reason assigned in the statute itself, and appears to have been his real object in enacting it. The author of the *Annals of Waverley* ascribes this act chiefly to the king's anxiety for maintaining the military force of the kingdom but adds, that he was mistaken in his purpose; for that the Amalekites were overcome more by the prayers of Moses than by the sword of the Israelites.<sup>178</sup> The statute of mortmain was often evaded afterwards by the invention of "uses."

Edward was active in restraining the usurpations of the church; and excepting his ardor for crusades, which adhered to him during his whole life, seems in other respects to have been little infected with superstition, the vice chiefly of weak minds. But the passion for crusades was really in that age the passion for glory. As the pope now felt himself somewhat more restrained in his former practice of pillaging the several churches in Europe by laying impositions upon them, he permitted the generals of particular orders, who resided at Rome, to levy taxes on the convents subjected to their jurisdiction; and Edward was obliged to enact a law against this new abuse. It was also become a practice of the court of Rome to provide successors to benefices before they became vacant: Edward found it likewise necessary to prevent by law this species of injustice.

The tribute of one thousand marks a year, to which King John, in doing homage to the pope, had subjected the kingdom, had been pretty regularly paid since his time, though the vassalage was constantly denied, and indeed, for fear of giving offence, had been but little insisted on. The payment was called by a new name of "census," not by that of tribute. King Edward seems to have always paid this money with great reluctance; and he suffered the arrears at one time to run on for six years,<sup>179</sup> at another for eleven:<sup>180</sup> but as princes in that age stood continually in need of the pope's good offices, for dispensations of marriage and for other concessions, the court of Rome always found means, sooner or later, to catch the money. The levying of first-fruits was also a new device begun in this reign, by which his holiness thrust his fingers very frequently into the purses of the faithful; and the king seems to have unwarily given way to it.

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<sup>175</sup> Page 234. See also M. West. p. 409.

<sup>176</sup> Rymer, vol. ii p. 77, 107.

<sup>177</sup> Rymer, vol. ii p. 862.

In the former reign, the taxes had been partly scutages, partly such a proportional part of the movables as was granted by parliament; in this, scutages were entirely dropped, and the assessment on movables was the chief method of taxation. Edward, in his fourth year, had a fifteenth granted him; in his fifth year, a twelfth; in his eleventh year, a thirtieth from the laity, a twentieth from the clergy; in his eighteenth year, a fifteenth; in his twenty-second year, a tenth from the laity, a sixth from London and other corporate towns, half of their benefices from the clergy; in his twenty-third year, an eleventh from the barons and others, a tenth from the clergy, a seventh from the burgesses; in his twenty fourth year, a twelfth from the barons and others, an eighth from the burgesses, from the clergy nothing, because of the pope's inhibition; in his twenty-fifth year, an eighth from the laity, a tenth from the clergy of Canterbury, a fifth from those of York; in his twenty-ninth year, a fifteenth from the laity, on account of his confirming the perambulations of the forests; the clergy granted nothing; in his thirty-third year, first, a thirtieth from the barons and others, and a twentieth from the burgesses, then a fifteenth from all his subjects; in his thirty fourth year, a thirtieth from all his subjects, for knighting his eldest son.

These taxes were moderate; but the king had also duties upon exportation and importation granted him from time to time: the heaviest were commonly upon wool. Poundage, or a shilling a pound, was not regularly granted the kings for life till the reign of Henry V.

In 1296, the famous mercantile society, called the "merchant adventurers," had its first origin: it was instituted for the improvement of the woollen manufacture, and the vending of the cloth abroad, particularly at Antwerp:<sup>181</sup> for the English at this time scarcely thought of any more distant commerce.

This king granted a charter or declaration of protection and privileges to foreign merchants, and also ascertained the customs or duties which those merchants were in return to pay on merchandise imported and

exported. He promised them security; allowed them a jury on trials, consisting half of natives, half of foreigners; and appointed them a judiciary in London for their protection. But notwithstanding this seeming attention to foreign merchants, Edward did not free them from the cruel hardship of making one answerable for the debts, and even for the crimes of another, that came from the same country.<sup>182</sup>

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<sup>178</sup> Anderson's History of Commerce, vol. i. p. 137.

<sup>179</sup> Anderson's History of Commerce, vol. i. p. 146.

We read of such practices among the present barbarous nations. The king also imposed on them a duty of two shillings on each tun of wine imported, over and above the old duty; and forty pence on each sack of wool exported besides half a mark, the former duty.<sup>183</sup>

In the year 1303, the exchequer was robbed, and of no less a sum than one hundred thousand pounds, as is pretended.<sup>184</sup> The abbot and monks of Westminster were indicted for this robbery, but acquitted. It does not appear that the king ever discovered the criminals with certainty, though his indignation fell on the society of Lombard merchants, particularly the Frescobaldi, very opulent Florentines.

The pope having in 1307 collected much money in England, the king enjoined the nuncio not to export it in specie but in bills of exchange;<sup>185</sup> a proof that commerce was but ill understood at that time.

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<sup>180</sup> Rymer, vol. iv. p. 361. It is the charter of Edward I. which is there confirmed by Edward III.

<sup>181</sup> Rymer, vol. ii. p. 930.

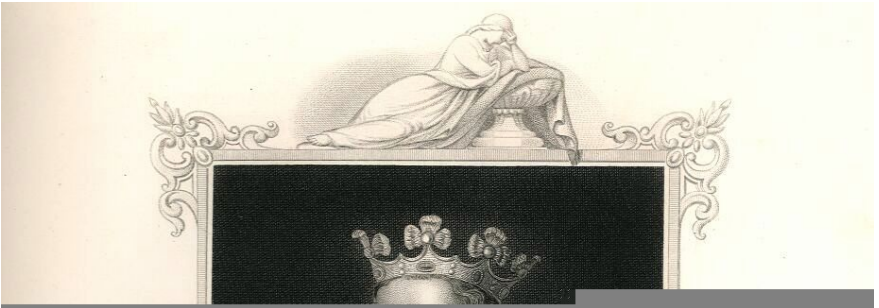
<sup>182</sup> Rymer, vol. ii. p. 1092.

Edward had by his first wife, Eleanor of Castile, four sons; but Edward, his heir and successor, was the only one that survived him. She also bore him eleven daughters, most of whom died in their infancy: of the surviving, Joan was married first to the earl of Gloucester, and after his death to Ralph

de Monthermer: Margaret espoused John, duke of Brabant: Elizabeth espoused first John, earl of Holland, and afterwards the earl of Hereford: Mary was a nun at Ambresbury. He had by his second wife, Margaret of France, two sons and a daughter; Thomas, created earl of Norfolk and mareschal of England; and Edmund, who was created earl of Kent by his brother when king. The princess died in her infancy.



## **CHAPTER 14.**



**EDWARD II.**



The prepossessions entertained in favor of young Edward, kept the English from being fully sensible of the extreme loss which they had sustained by the death of the great monarch who filled the throne; and all men hastened with alacrity to take the oath of allegiance to his son and successor. This prince was in the twenty-third year of his age, was of an agreeable figure, of a mild and gentle disposition, and having never discovered a propensity to any dangerous vice, it was natural to prognosticate tranquillity and happiness from his government. But the first act of his reign blasted all these hopes, and showed him to be totally unqualified for that perilous situation in which every English monarch during those ages had, from the unstable form of the constitution, and the turbulent dispositions of the people derived from it, the misfortune to be placed. The indefatigable Robert Bruce, though his army had been dispersed, and he himself had been obliged to take shelter in the Western Isles, remained not long inactive; but before the death of the late king, had sallied from his retreat, had again collected his followers, had appeared in the field, and had obtained by surprise an important advantage over Aymer de Valence, who commanded the English forces.<sup>1</sup>

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<sup>1</sup> Trivet, p. 346.

He was now become so considerable as to have afforded the king of England sufficient glory in subduing him, without incurring any danger of seeing all those mighty preparations, made by his father, fail in the enterprise. But Edward, instead of pursuing his advantages, marched but a little way into Scotland; and having an utter incapacity, and equal aversion, for all application or serious business, he immediately returned upon his footsteps, and disbanded his army. His grandees perceived, from this conduct, that the authority of the crown, fallen into such feeble hands, was no longer to be dreaded, and that every insolence might be practised by them with impunity.

The next measure taken by Edward gave them an inclination to attack those prerogatives which no longer kept them in awe. There was one Piers Gavaston, son of a Gascon knight of some distinction, who had honorably served the late king and who, in reward of his merits, had obtained an

establishment for his son in the family of the prince of Wales. This young man soon insinuated himself into the affections of his master, by his agreeable behavior, and by supplying him with all those innocent though frivolous amusements which suited his capacity and his inclinations. He was endowed with the utmost elegance of shape and person, was noted for a fine mien and easy carriage, distinguished himself in all warlike and genteel exercises, and was celebrated for those quick sallies of wit in which his countrymen usually excel. By all these accomplishments, he gained so entire an ascendant over young Edward, whose heart was strongly disposed to friendship and confidence, that the late king, apprehensive of the consequences, had banished him the kingdom, and had, before he died, made his son promise never to recall him. But no sooner did he find himself master, as he vainly imagined, than he sent for Gavaston; and even before his arrival at court, endowed him with the whole earldom of Cornwall, which had escheated to the crown by the death of Edmond, son of Richard, king of the Romans.<sup>2</sup> Not content with conferring on him those possessions, which had sufficed as an appanage for a prince of the blood, he daily loaded him with new honors and riches; married him to his own niece, sister of the earl of Gloucester; and seemed to enjoy no pleasure in his royal dignity, but as it enabled him to exalt to the highest splendor this object of his fond affections.

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<sup>2</sup> Rymer, vol. iii. p. 1. Heming. vol. i. p. 243. Walsing, p. 96.

The haughty barons, offended at the superiority of a minion, whose birth, though reputable, they despised as much inferior to their own, concealed not their discontent; and soon found reasons to justify their animosity in the character and conduct of the man they hated. Instead of disarming envy by the moderation and modesty of his behavior, Gavaston displayed his power and influence with the utmost ostentation; and deemed no circumstance of his good fortune so agreeable as its enabling him to eclipse and mortify all his rivals. He was vain-glorious, profuse, rapacious; fond of exterior pomp and appearance, giddy with prosperity; and as he imagined that his fortune was now as strongly rooted in the kingdom as his ascendant was uncontrolled over the weak monarch, he was negligent

in engaging partisans, who might support his sudden and ill-established grandeur. At all tournaments he took delight in foiling the English nobility by his superior address: in every conversation he made them the object of his wit and raillery: every day his enemies multiplied upon him; and nought was wanting but a little time to cement their union, and render it fatal both to him and to his master.<sup>3</sup>

It behoved the king to take a journey to France, both in order to do homage for the duchy of Guienne, and to espouse the Princess Isabella, to whom he had long been affianced, though unexpected accidents had hitherto retarded the completion of the marriage.<sup>4</sup> Edward left Gavaston guardian of the realm,<sup>5</sup> with more ample powers than had usually been conferred;<sup>6</sup> and, on his return with his young queen, renewed all the proofs of that fond attachment to the favorite of which every one so loudly complained. This princess was of an imperious and intriguing spirit; and finding that her husband's capacity required, as his temper inclined, him to be governed, she thought herself best entitled, on every account, to perform the office, and she contracted a mortal hatred against the person who had disappointed her in these expectations. She was well pleased, therefore, to see a combination of the nobility forming against Gavaston, who, sensible of her hatred, had wantonly provoked her by new insults and injuries.

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<sup>3</sup> T. de la More, p. 593; Walsing. p. 97.

<sup>4</sup> T. de la More, p. 593. Trivet, Cont. p. 3.

<sup>5</sup> Rymer vol. iii. p. 47. Ypod. Neust. p. 499.

<sup>6</sup> Brady's App. No. 49.

Thomas, earl of Lancaster, cousin-german to the king, and first <sup>1308</sup>. prince of the blood, was by far the most opulent and powerful subject in England, and possessed in his own right, and soon after in that of his wife, heiress of the family of Lincoln, no less than six earldoms, with a proportionable estate in land, attended with all the jurisdictions and power which commonly in that age were annexed to landed property. He was turbulent and factious in his disposition; mortally hated the favorite,

whose influence over the king exceeded his own; and he soon became the head of that party among the barons who desired the depression of this insolent stranger. The confederated nobles bound themselves by oath to expel Gavaston: both sides began already to put themselves in a warlike posture: the licentiousness of the age broke out in robberies and other disorders, the usual prelude of civil war, and the royal authority, despised in the king's own hands, and hated in those of Gavaston, became insufficient for the execution of the laws and the maintenance of peace in the kingdom. A parliament being summoned at Westminster, Lancaster and his party came thither with an armed retinue; and were there enabled to impose their own terms on the sovereign. They required the banishment of Gavaston, imposed an oath on him never to return, and engaged the bishops, who never failed to interpose in all civil concerns, to pronounce him excommunicated if he remained any longer in the kingdom.<sup>7</sup> Edward was obliged to submit;<sup>8</sup> but even in his compliance gave proofs of his fond attachment to his favorite. Instead of removing all umbrage by sending him to his own country, as was expected, he appointed him lord lieutenant of Ireland<sup>9</sup>, attended him to Bristol on his journey thither, and before his departure conferred on him new lands and riches both in Gascony and England.<sup>10</sup> Gavaston, who did not want bravery, and possessed talents for war,<sup>11</sup> acted, during his government, with vigor against some Irish rebels, whom he subdued.

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<sup>7</sup> Trivet, Cont. p. 5.

<sup>8</sup> Rymer, vol. iii. p. 80.

<sup>9</sup> Rymer, vol. iii. p. 92. Murimuth, p. 39.

<sup>10</sup> Rymer, vol. iii. p. 87.

Meanwhile, the king, less shocked with the illegal violence which had been imposed upon him, than unhappy in the absence of his minion, employed every expedient to soften the opposition of the barons to his return; as if success in that point were the chief object of his government. The high office of hereditary steward was conferred on Lancaster: his father-in-law, the earl of Lincoln, was bought off by other concessions: Earl Warrenne

was also mollified by civilities, grants, or promises: the insolence of Gavaston, being no longer before men's eyes, was less the object of general indignation; and Edward, deeming matters sufficiently prepared for his purpose, applied to the court of Rome, and obtained for Gavaston a dispensation from that oath which the barons had compelled him to take, that he would forever abjure the realm.<sup>12</sup> He went down to Chester to receive him on his first landing from Ireland; flew into his arms with transports of joy; and having obtained the formal consent of the barons in parliament to his reëstablishment, set no longer any bounds to his extravagant fondness and affection. Gavaston himself, forgetting his past misfortunes, and blind to their causes, resumed the same ostentation and insolence, and became more than ever the object of general detestation among the nobility.

The barons first discovered their animosity by absenting themselves from parliament; and finding that this expedient had not been successful, they began to think of employing sharper and more effectual remedies. Though there had scarcely been any national ground of complaint, except some dissipation of the public treasure: though all the acts of mal-administration objected to the king and his favorite, seemed of a nature more proper to excite heart-burnings in a ball or assembly, than commotions in a great kingdom: yet such was the situation of the times, that the barons were determined, and were able, to make them the reasons of a total alteration in the constitution and civil government. Having come to parliament, in defiance of the laws and the king's prohibition, with a numerous retinue of armed followers, they found themselves entirely masters; and they presented a petition which was equivalent to a command, requiring Edward to devolve on a chosen junto the whole authority, both of the crown and of the parliament. The king was obliged to sign a commission, empowering the prelates and barons to elect twelve persons, who should, till the term of Michaelmas in the year following, have authority to enact ordinances for the government of the kingdom, and regulation of the king's household; consenting that these ordinances should, thenceforth and forever have the force of laws; allowing the ordainers to form associations among themselves and their friends, for their strict and regular observance; and all this for the greater glory of

God, the security of the church, and the honor and advantage of the king and kingdom.<sup>13</sup>

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<sup>11</sup> Rymer, vol. iii. p., 167.

<sup>12</sup> Brady's App. No. 50. Heming. vol. i. p. 247., Walsing. p. 97., Ryley, p. 526.

The barons, in return signed a declaration, in which they acknowledged that they owed these concessions merely to the king's free grace; promised that this commission should never be drawn into precedent; and engaged that the power of the ordainers should expire at the time appointed.<sup>14</sup>

The chosen junto accordingly framed their ordinances, and presented <sup>1311</sup> them to the king and parliament, for their confirmation in the ensuing year. Some of these ordinances were laudable, and tended to the regular execution of justice; such as those requiring sheriffs to be men of property, abolishing the practice of issuing privy seals for the suspension of justice, restraining the practice of purveyance, prohibiting the adulteration and alteration of the coin, excluding foreigners from the farms of the revenue, ordering all payments to be regularly made into the exchequer, revoking all late grants of the crown, and giving the parties damages in the case of vexatious prosecutions. But what chiefly grieved the king was the ordinance for the removal of evil counsellors, by which a great number of persons were by name excluded from every office of power and profit; and Piers Gavaston himself was forever banished the king's dominions, under the penalty, in case of disobedience, of being declared a public enemy. Other persons, more agreeable to the barons, were substituted in all the offices. And it was ordained that, for the future, all the considerable dignities in the household, as well as by the law, revenue, and military governments, should be appointed by the baronage in parliament; and the power of making war, or assembling his military tenants, should no longer be vested solely in the king, nor be exercised without the consent of the nobility.

Edward, from the same weakness both in his temper and situation which had engaged him to grant this unlimited commission to the barons, was led to give a parliamentary sanction to their ordinances; but as a

consequence of the same character, he secretly made a protest against them, and declared that, since the commission was granted only for the making of ordinances to the advantage of king and kingdom, such articles as should be found prejudicial to both, were to be held as not ratified and confirmed.<sup>15</sup>

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<sup>13</sup> Brady's App. No. 51.

<sup>14</sup> Ryley's Placit. Parl. p. 530, 541.

It is no wonder, indeed, that he retained a firm purpose to revoke ordinances which had been imposed on him by violence, which entirely annihilated the royal authority, and above all, which deprived him of the company and society of a person whom, by an unusual infatuation, he valued above all the world, and above every consideration of interest or tranquillity.

As soon, therefore, as Edward, removing to York, had freed himself from the immediate terror of the barons' power, he invited back Gavaston from Flanders, which that favorite had made the place of his retreat; and declaring his banishment to be illegal, and contrary to the laws and customs of the kingdom,<sup>16</sup> openly reinstated him in his former credit and authority.

The barons, highly provoked at this disappointment, and apprehensive <sup>1312</sup> of danger to themselves from the declared animosity of so powerful a minion, saw that either his or their ruin was now inevitable; and they renewed with redoubled zeal their former confederacies against him. The earl of Lancaster was a dangerous head of this alliance; Guy, earl of Warwick, entered into it with a furious and precipitate passion; Humphrey Bohun, earl of Hereford, the constable, and Aymer de Valence, earl of Pembroke, brought to it a great accession of power and interest; even Earl Warrenne deserted the royal cause, which he had hitherto supported, and was induced to embrace the side of the confederates;<sup>17</sup> and as Robert de Winchelsey, archbishop of Canterbury, professed himself of the same party, he determined the body of the clergy, and consequently the people, to declare against the king and his minion. So predominant at that time

was the power of the great nobility, that the combination of a few of them was always able to shake the throne; and such a universal concurrence became irresistible. The earl of Lancaster suddenly raised an army, and marched to York, where he found the king already removed to Newcastle:<sup>18</sup> he flew thither in pursuit of him, and Edward had just time to escape to Tinmouth, where he embarked, and sailed with Gavaston to Scarborough. He left his favorite in that fortress, which, had it been properly supplied with provisions, was deemed impregnable, and he marched forward to York, in hopes of raising an army which might be able to support him against his enemies.

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<sup>15</sup> Brady's App. No. 53. Walsing. p. 98.

<sup>16</sup> Trivet, Cont. p. 4.

<sup>17</sup> Walsing. p. 101.

Pembroke was sent by the confederates to besiege the Castle of Scarborough, and Gavaston, sensible of the bad condition of his garrison, was obliged to capitulate, and to surrender himself prisoner.<sup>19</sup> He stipulated that he should remain in Pembroke's hands for two months; that endeavors should, during that time, be mutually used for a general accommodation; that if the terms proposed by the barons were not accepted, the castle should be restored to him in the same condition as when he surrendered it; and that the earl of Pembroke and Henry Piercy should, by contract, pledge all their lands for the fulfilling of these conditions.<sup>20</sup> Pembroke, now master of the person of this public enemy, conducted him to the Castle of Dedington, near Banbury, where, on pretence of other business, he left him, protected by a feeble guard.<sup>21</sup> Warwick, probably in concert with Pembroke, attacked the castle: the garrison refused to make any resistance; Gavaston was yielded up to him, and conducted to Warwick Castle; the earls of Lancaster, Hereford, and Arundel immediately repaired thither;<sup>22</sup> and, without any regard either to the laws or the military capitulation, they ordered the head of the obnoxious favorite to be struck off by the hands of the executioner.<sup>23</sup>



The king had retired northward to Berwick, when he heard of Gavaston's murder; and his resentment was proportioned to the affection which he had ever borne him while living. He threatened vengeance on all the nobility who had been active in that bloody scene; and he made preparations for war in all parts of England. But being less constant in his enmities than in his friendships, he soon after hearkened to terms of accommodation; granted the barons a pardon of all offences; and as they stipulated to ask him publicly pardon on their knees,<sup>24</sup> he was so pleased with these vain appearances of submission, that he seemed to have sincerely forgiven them all past injuries. But as they still pretended, notwithstanding their lawless conduct, a great anxiety for the maintenance of law, and required the establishment of their former ordinances, as a necessary security for that purpose, Edward told them that he was willing to grant them a free and legal confirmation of such of those ordinances as were not entirely derogatory to the prerogative of the crown. This answer was received for the present as satisfactory. The king's person, after the death of Gavaston, was now become less obnoxious to the public; and as the ordinances insisted on appeared to be nearly the same with those which had formerly been extorted from Henry III. by Mountfort, and which had been attended with so many fatal consequences, they were, on that account, demanded with less vehemence by the nobility and people. The minds of all men seemed to be much appeased; the animosities of faction no longer prevailed; and England, now united under its head, would henceforth be able, it was hoped, to take vengeance on all its enemies, particularly on the Scots, whose progress was the object of general resentment and indignation.

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<sup>18</sup> Walsing, p. 101.

<sup>19</sup> Rymer, vol ii. p. 324.

<sup>20</sup> T de la More, p. 593.

<sup>21</sup> Dugd. Baron, vol. ii. p. 44.

<sup>22</sup> Ryley, p. 538. Rymer, vol. iii. p. 366.

Immediately after Edward's retreat from Scotland, Robert Bruce left his fastnesses, in which he intended to have sheltered his feeble army; and supplying his defect of strength by superior vigor and abilities, he made deep impression on all his enemies, foreign and domestic. He chased Lord Argyle and the chieftain of the Macdowals from their hills, and made himself entirely master of the high country; he thence invaded with success the Cummins in the low countries of the north: he took the castles of Inverness, Forfar, and Brechin; he daily gained some new accession of territory; and what was a more important acquisition, he daily reconciled the minds of the nobility to his dominion, and enlisted under his standard every bold leader, whom he enriched by the spoils of his enemies. Sir James Douglas, in whom commenced the greatness and renown of that warlike family, seconded him in all his enterprises: Edward Bruce, Robert's own brother, distinguished himself by acts of valor; and the terror of the English power being now abated by the feeble conduct of the king, even the least sanguine of the Scots began to entertain hopes of recovering their independence; and the whole kingdom, except a few fortresses which he had not the means to attack, had acknowledged the authority of Robert.

In this situation, Edward had found it necessary to grant a truce to Scotland; and Robert successfully employed the interval in consolidating his power, and introducing order into the civil government, disjointed by a long continuance of wars and factions. The interval was very short; the truce, ill observed on both sides, was at last openly violated, and war recommenced with greater fury than ever. Robert, not content with defending himself, had made successful inroads into England, subsisted his needy followers by the plunder of that country, and taught them to despise the military genius of a people who had long been the object of their terror. Edward at last, roused from his lethargy, had marched an army into Scotland, and Robert, determined not to risk too much against an enemy so much superior, retired again into the mountains. The king advanced beyond Edinburgh; but being destitute of provisions, and being ill supported by the English nobility, who were then employed in framing their ordinances, he was soon obliged to retreat, without gaining any advantage over the enemy. But the appearing union of all the parties in England, after the death of Gavaston, seemed to restore that kingdom to its native force, opened again the prospect of reducing Scotland, and

promised a happy conclusion to a war, in which both the interests and passions of the nation were so deeply engaged.

Edward assembled forces from all quarters, with a view of finishing at <sup>1314</sup> one blow this important enterprise. He summoned the most warlike of his vassals from Gascony; he enlisted troops from Flanders and other foreign countries; he invited over great numbers of the disorderly Irish as to a certain prey; he joined to them a body of the Welsh, who were actuated by like motives; and, assembling the whole military force of England, he marched to the frontiers with an army which, according to the Scotch writers, amounted to a hundred thousand men.

The army collected by Robert exceeded not thirty thousand combatants; but being composed of men who had distinguished themselves by many acts of valor, who were rendered desperate by their situation, and who were inured to all the varieties of fortune, they might justly, under such a leader, be deemed formidable to the most numerous and best appointed armies. The Castle of Stirling, which, with Berwick, was the only fortress in Scotland that remained in the hands of the English, had long been besieged by Edward Bruce: Philip de Mowbray, the governor, after an obstinate defence, was at last obliged to capitulate, and to promise, that if, before a certain day, which was now approaching, he were not relieved, he should open his gates to the enemy.<sup>25</sup>

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<sup>23</sup> Rymer, vol. iii. p. 481.

Robert, therefore, sensible that here was the ground on which he must expect the English, chose the field of battle with all the skill and prudence imaginable, and made the necessary preparations for their reception. He posted himself at Bannockburn, about two miles from Stirling, where he had a hill on his right flank, and a morass on his left; and not content with having taken these precautions to prevent his being surrounded by the more numerous army of the English, he foresaw the superior strength of the enemy in cavalry, and made provision against it. Having a rivulet in front, he commanded deep pits to be dug along its banks, and sharp stakes to be planted in them; and he ordered the whole to be carefully covered

over with turf.<sup>26</sup> The English arrived in sight on the evening, and a bloody conflict immediately ensued between two bodies of cavalry; where Robert, who was at the head of the Scots, engaged in single combat with Henry de Bohun, a gentleman of the family of Hereford; and at one stroke cleft his adversary to the chin with a battle-axe, in sight of the two armies. The English horse fled with precipitation to their main body.

The Scots, encouraged by this favorable event, and glorying in the valor of their prince, prognosticated a happy issue to the combat on the ensuing day: the English, confident in their numbers, and elated with former successes, longed for an opportunity of revenge; and the night, though extremely short in that season and in that climate, appeared tedious to the impatience of the several combatants. Early in the morning, Edward drew out his army, and advanced towards the Scots. The earl of Gloucester, his nephew, who commanded the left wing of the cavalry, impelled by the ardor of youth, rushed on to the attack without precaution, and fell among the covered pits, which had been prepared by Bruce for the reception of the enemy.<sup>27</sup> This body of horse was disordered; Gloucester himself was overthrown and slain: Sir James Douglas, who commanded the Scottish cavalry, gave the enemy no leisure to rally, but pushed them off the field with considerable loss, and pursued them in sight of their whole line of infantry. While the English army were alarmed with this unfortunate beginning of the action, which commonly proves decisive, they observed an army on the heights towards the left, which seemed to be marching leisurely in order to surround them; and they were distracted by their multiplied fears. This was a number of wagoners and sumpter boys, whom Robert had collected; and having supplied them with military standards, gave them the appearance at a distance of a formidable body.

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<sup>24</sup> T. de la More, p. 594.

<sup>25</sup> T. de la More, p. 594.

The stratagem took effect: a panic seized the English: they threw down their arms and fled: they were pursued with great slaughter for the space of ninety miles, till they reached Berwick: and the Scots, besides an

inestimable booty, took many persons of quality prisoners, and above four hundred gentlemen, whom Robert treated with great humanity,<sup>28</sup> and whose ransom was a new accession of wealth to the victorious army. The king himself narrowly escaped by taking shelter in Dunbar, whose gates were opened to him by the earl of March; and he thence passed by sea to Berwick.

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<sup>26</sup> Ypod. Neust. p. 501.

Such was the great and decisive battle of Bannockburn, which secured the independence of Scotland, fixed Bruce on the throne of that kingdom, and may be deemed the greatest overthrow that the English nation, since the conquest, has ever received. The number of slain on those occasions is always uncertain, and is commonly much magnified by the victors: but this defeat made a deep impression on the mind of the English; and it was remarked that, for some years, the superiority of numbers could encourage them to keep the field against the Scots. Robert, in order to avail himself of his present success, entered England, and ravaged all the northern counties without opposition: he besieged Carlisle; but that place was saved by the valor of Sir Andrew Harcla, the governor: he was more successful against Berwick, which he took by assault: and this prince, elated by his continued prosperity, now entertained hopes of making the most important conquests on the English.

He sent over his brother Edward, with an army of six thousand men, <sup>1315</sup> into Ireland; and that nobleman assumed the title of king of that island; he himself followed soon after with more numerous forces: the horrible and absurd oppressions which the Irish suffered under the English government, made them, at first, fly to the standard of the Scots, whom they regarded as their deliverers: but a grievous famine, which at that time desolated both Ireland and Britain, reduced the Scottish army to the greatest extremities; and Robert was obliged to return, with his forces much diminished, into his own country. His brother, after having experienced a variety of fortune, was defeated and slain near Dundalk by the English, commanded by Lord Bermingham: and these projects, too extensive for the force of the Scottish nation, thus vanished into smoke.

Edward, besides suffering those disasters from the invasion of the Scots and the insurrection of the Irish, was also infested with a rebellion in Wales; and above all, by the factions of his own nobility, who took advantage of the public calamities, insulted his fallen fortunes, and endeavored to establish their own independence on the ruins of the throne. Lancaster and the barons of his party, who had declined attending him on his Scottish expedition, no sooner saw him return with disgrace, than they insisted on the renewal of their ordinances, which, they still pretended, had validity; and the king's unhappy situation obliged him to submit to their demands. The ministry was new-modelled by the direction of Lancaster:<sup>29</sup> that prince was placed at the head of the council: it was declared, that all the offices should be filled, from time to time, by the votes of parliament, or rather by the will of the great barons:<sup>30</sup> and the nation, under this new model of government, endeavored to put itself in a better posture of defence against the Scots. But the factious nobles were far from being terrified with the progress of these public enemies: on the contrary, they founded the hopes of their own future grandeur on the weakness and distresses of the crown: Lancaster himself was suspected, with great appearance of reason, of holding a secret correspondence with the king of Scots: and though he was intrusted with the command of the English armies, he took care that every enterprise should be disappointed, and every plan of operations prove unsuccessful.

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<sup>27</sup> Ryley, p, 560. Rymer, vol. iii. p. 722.

<sup>28</sup> Brady vol. ii. p. 122, from the records, App. No. 61. Ryley p. 560.

All the European kingdoms, especially that of England, were at this time unacquainted with the office of a prime minister, so well understood at present in all regular monarchies; and the people could form no conception of a man who, though still in the rank of a subject, possessed all the power of a sovereign, eased the prince of the burden of affairs, supplied his want of experience or capacity, and maintained all the rights of the crown, without degrading the greatest nobles by their submission to his temporary authority. Edward was plainly by nature unfit to hold

himself the reins of government: he had no vices, but was unhappy in a total incapacity for serious business: he was sensible of his own defects, and necessarily sought to be governed: yet every favorite whom he successively chose, was regarded as a fellow-subject exalted above his rank and station: he was the object of envy to the great nobility: his character and conduct were decried with the people: his authority over the king and kingdom was considered as a usurpation: and unless the prince had embraced the dangerous expedient of devolving his power on the earl of Lancaster, or some mighty baron, whose family interest was so extensive as to be able alone to maintain his influence, he could expect no peace or tranquillity upon the throne.

The king's chief favorite, after the death of Gavaston, was Hugh le Despenser, or Spenser, a young man of English birth, of high rank, and of a noble family.<sup>31</sup> He possessed all the exterior accomplishments of person and address which were fitted to engage the weak mind of Edward; but was destitute of that moderation and prudence which might have qualified him to mitigate the envy of the great, and conduct him through all the perils of that dangerous station to which he was advanced. His father, who was of the same name, and who, by means of his son, had also attained great influence over the king, was a nobleman venerable from his years, respected through all his past life for wisdom, valor, and integrity, and well fitted by his talents and experience, could affairs have admitted of any temperament, to have supplied the defects both of the king and of his minion.<sup>32</sup> But no sooner was Edward's attachment declared for young Spenser, than the turbulent Lancaster, and most of the great barons, regarded him as their rival, made him the object of their animosity, and formed violent plans for his ruin.<sup>33</sup> They first declared their discontent by withdrawing from parliament; and it was not long ere they found a pretence for proceeding to greater extremities against him.

The king, who set no limits to his bounty toward his minions, had <sup>1321</sup> married the younger Spenser to his niece one of the coheirs of the earl of Gloucester, slain at Bannockburn. The favorite, by his succession to that opulent family, had inherited great possessions in the marches of Wales,<sup>34</sup> and being desirous of extending still farther his influence in those

quarters, he is accused of having committed injustice on the barons of Audley and Ammori, who had also married two sisters of the same family.

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<sup>29</sup>..... Dugd. Baron, vol. i. p. 389.

<sup>30</sup>..... T. de la More, p. 594.

<sup>31</sup>..... Walsing. p. 113. T. de la More, p. 595. Murimuth, p. 55.

<sup>32</sup>..... Trivet, Cont. p. 25.

There was likewise a baron in that neighborhood, called William de Braouse, lord of Gower, who had made a settlement of his estate on John de Mowbray, his son-in-law; and in case of failure of that nobleman and his issue, had substituted the earl of Hereford in the succession to the barony of Gower. Mowbray, on the decease of his father-in-law, entered immediately in possession of the estate, without the formality of taking livery and seizin from the crown; but Spenser, who coveted that barony, persuaded the king to put in execution the rigor of the feudal law, to seize Gower as escheated to the crown, and to confer it upon him.<sup>35</sup> This transaction, which was the proper subject of a lawsuit, immediately excited a civil war in the kingdom. The earls of Lancaster and Hereford flew to arms: Audle and Ammori joined them with all their forces: the two Rogers de Mortimer and Roger de Clifford, with many others, disgusted for private reasons at the Spensers, brought a considerable accession to the party; and their army being now formidable, they sent a message to the king, requiring him immediately to dismiss or confine the younger Spenser; and menacing him, in case of refusal, with renouncing their allegiance to him, and taking revenge on that minister by their own authority. They scarcely waited for an answer; but immediately fell upon the lands of young Spenser, which they pillaged and destroyed; murdered his servants, drove off his cattle, and burned his houses.<sup>36</sup> They thence proceeded to commit like devastations on the estates of Spenser the father, whose character they had hitherto seemed to respect. And having drawn and signed a formal association among themselves,<sup>37</sup> they marched to London with all their forces, stationed themselves in the neighborhood of that city, and demanded of the king the banishment of both the Spensers.



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<sup>33</sup> Monach. Malms.

<sup>34</sup> Murimuth, p. 55.

<sup>35</sup> Tyrrel, vol. ii p. 280, from the register of C. C. Canterbury.

These noblemen were then absent; the father abroad, the son at sea; and both of them employed in different commissions: the king therefore replied, that his coronation oath, by which he was bound to observe the laws, restrained him from giving his assent to so illegal a demand, or condemning noblemen who were accused of no crime, nor had any opportunity afforded them of making answer.<sup>38</sup> Equity and reason were but a feeble opposition to men who had arms in their hands, and who, being already involved in guilt, saw no safety but in success and victory. They entered London with their troops; and giving in to the parliament, which was then sitting, a charge against the Spencers, of which they attempted not to prove one article, they procured, by menaces and violence, a sentence of attainder and perpetual exile against these ministers.<sup>39</sup> This sentence was voted by the lay barons alone; for the commons, though now an estate in parliament, were yet of so little consideration, that their assent was not demanded; and even the votes of the prelates were neglected amidst the present disorders. The only symptom which these turbulent barons gave of their regard to law, was their requiring from the king an indemnity for their illegal proceedings;<sup>40</sup> after which they disbanded their army, and separated, in security, as they imagined, to their several castles.

This act of violence, in which the king was obliged to acquiesce, rendered his person and his authority so contemptible, that every one thought himself entitled to treat him with neglect. The queen, having occasion soon after to pass by the castle of Leeds in Kent, which belonged to the lord Badlesmere, desired a night's lodging, but was refused admittance; and some of her attendants, who presented themselves at the gate, were killed.<sup>41</sup> The insult upon this princess, who had always endeavored to live on good terms with the barons, and who joined them heartily in their hatred of the young Spenser, was an action which nobody pretended to justify; and the king thought that he might, without giving

general umbrage, assemble an army, and take vengeance on the offender. No one came to the assistance of Badlesmere; and Edward prevailed.<sup>42</sup>

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<sup>36</sup> Walsing. p. 114.

<sup>37</sup> Tottle's Collect, part ii p. 50. Walsing. p. 114.

<sup>38</sup> Tottle's Collect, part ii. p. 54. Rymer, vol. iii. p. 891.

<sup>39</sup> Rymer, vol. iii. p. 89. Walsing. p. 114, 115. T. de la Mare, p. 595. Murimuth, p. 56.

But having now some forces on foot, and having concerted measures with his friends throughout England, he ventured to take off the mask, to attack all his enemies, and to recall the two Spensers, whose sentence he declared illegal, unjust, contrary to the tenor of the Great Charter, passed without the assent of the prelates, and extorted by violence from him and the estate of barons.<sup>43</sup> Still the commons were not mentioned by either party.

The king had now got the start of the barons, an advantage which, in <sup>1322</sup> those times, was commonly decisive, and he hastened with his army to the marches of Wales, the chief seat of the power of his enemies, whom he found totally unprepared for resistance. Many of the barons in those parts endeavored to appease him by submission;<sup>44</sup> their castles were seized, and their persons committed to custody. But Lancaster, in order to prevent the total ruin of his party, summoned together his vassals and retainers; declared his alliance with Scotland, which had long been suspected; received the promise of a reënfacement from that country, under the command of Randolf, earl of Murray, and Sir James Douglas;<sup>45</sup> and being joined by the earl of Hereford, advanced with all his forces against the king, who had collected an army of thirty thousand men, and was superior to his enemies. Lancaster posted himself at Burton upon Trent, and endeavored to defend the passages of the river:<sup>46</sup> but being disappointed in that plan of operations, this prince, who had no military genius, and whose personal courage was even suspected, fled with his army to the north, in expectation of being there joined by his Scottish allies.<sup>47</sup> He was pursued by the king, and his army diminished daily, till he came to Boroughbridge, where he found Sir Andrew Harcla posted with some

forces on the opposite side of the river, and ready to dispute the passage with him. He was repulsed in an attempt which he made to force his way: the earl of Hereford was killed; the whole army of the rebels was disconcerted: Lancaster himself was become incapable of taking any measures either for flight or defence; and he was seized without resistance by Harcla, and conducted to the king.<sup>48</sup>

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<sup>40</sup> Rymer, vol. iii. p. 907. T. de la More, p. 595.

<sup>41</sup> Walsing. p. 115. Murimuth, p. 57.

<sup>42</sup> Rymer, vol. iii. p. 958.

<sup>43</sup> Walsing. p. 115.

<sup>44</sup> T. de la More, p. 596. Walsing. p. 116.

In those violent times, the laws were so much neglected on both sides, that, even where they might, without any sensible inconvenience, have been observed, the conquerors deemed it unnecessary to pay any regard to them. Lancaster, who was guilty of open rebellion, and was taken in arms against his sovereign, instead of being tried by the laws of his country, which pronounced the sentence of death against him, was condemned by a court-martial,<sup>49</sup> and led to execution. Edward, however, little vindictive in his natural temper, here indulged his revenge, and employed against the prisoner the same indignities which had been exercised by his orders against Gavaston. He was clothed in a mean attire, placed on a lean jade without a bridle, a hood was put on his head, and in this posture, attended by the acclamations of the people, this prince was conducted to an eminence near Pomfret, one of his own castles, and there beheaded.<sup>50</sup>

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<sup>45</sup> Tyrrel, vol. 11. p. 291.

<sup>46</sup> Leland's Coll. vol. i. p. 668.

Thus perished Thomas, earl of Lancaster, prince of the blood, and one of the most potent barons that had ever been in England. His public conduct

sufficiently discovers the violence and turbulence of his character: his private deportment appears not to have been more innocent: and his hypocritical devotion, by which he gained the favor of the monks and populace, will rather be regarded as an aggravation than an alleviation of his guilt. Badlesmere, Giffard, Barret, Cheyney, Fleming, and about eighteen of the most notorious offenders, were afterwards condemned by a legal trial, and were executed. Many were thrown into prison: others made their escape beyond sea: some of the king's servants were rewarded from the forfeitures: Harcla received for his services the earldom of Carlisle, and a large estate, which he soon after forfeited with his life, for a treasonable correspondence with the king of Scotland. But the greater part of those vast escheats were seized by young Spenser, whose rapacity was insatiable. Many of the barons of the king's party were disgusted with this partial division of the spoils: the envy against Spenser rose higher than ever: the usual insolence of his temper, inflamed by success, impelled him to commit many acts of violence: the people, who always hated him, made him still more the object of aversion: all the relations of the attainted barons and gentlemen secretly vowed revenge: and though tranquillity was in appearance restored to the kingdom, the general contempt of the king, and odium against Spenser, bred dangerous humors, the source of future revolutions and convulsions.

In this situation, no success could be expected from foreign wars; and Edward, after making one more fruitless attempt against Scotland, whence he retreated with dishonor, found it necessary to terminate hostilities with that kingdom, by a truce of thirteen years.<sup>51</sup> Robert, though his title to the crown was not acknowledged in the treaty, was satisfied with insuring his possession of it during so long a time. He had repelled with gallantry all the attacks of England: he had carried war both into that kingdom and into Ireland: he had rejected with disdain the pope's authority, who pretended to impose his commands upon him, and oblige him to make peace with his enemies: his throne was firmly established, as well in the affections of his subjects, as by force of arms: yet there naturally remained some inquietude in his mind, while at war with a state which, however at present disordered by faction, was of itself so much an overmatch for him both in riches and in numbers of people. And this truce was, at the same time, the

more seasonable for England, because the nation was at that juncture threatened with hostilities from France.

Philip the Fair, king of France, who died in 1315, had left the crown to <sup>1324</sup> his son Lewis Hutin, who, after a short reign, dying without male issue, was succeeded by Philip the Long, his brother, whose death soon after made way for Charles the Fair, the youngest brother of that family. This monarch had some grounds of complaint against the king's ministers in Guienne; and as there was no common or equitable judge in that strange species of sovereignty established by the feudal law, he seemed desirous to take advantage of Edward's weakness, and under that pretence to confiscate all his foreign dominions.<sup>52</sup>

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<sup>47</sup> Rymer, vol. iii. p. 1022. Murimuth, p. 60.

<sup>48</sup> Rymer, vol. iv. p. 74, 98.

After an embassy by the earl of Kent, the king's brother, had been tried in vain, Queen Isabella obtained permission to go over to Paris, and endeavor to adjust, in an amicable manner, the difference with her brother: but while she was making some progress in this negotiation, Charles started a new pretension, the justice of which could not be disputed, that Edward himself should appear in his court, and do homage for the fees which he held in France. But there occurred many difficulties in complying with this demand. Young Spenser, by whom the king was implicitly governed, had unavoidably been engaged in many quarrels with the queen, who aspired to the same influence, and though that artful princess, on her leaving England, had dissembled her animosity, Spenser, well acquainted with her secret sentiments, was unwilling to attend his master to Paris, and appear in a court where her credit might expose him to insults, if not to danger. He hesitated no less on allowing the king to make the journey alone; both fearing lest that easy prince should in his absence fall under other influence, and foreseeing the perils to which he himself should be exposed if, without the protection of royal authority, he remained in England where he was so generally hated.

While these doubts occasioned delays and difficulties, Isabella proposed that Edward should resign the dominion of Guienne to his son, now thirteen years of age; and that the prince should come to Paris, and do the homage which every vassal owed to his superior lord. This expedient, which seemed so happily to remove all difficulties, was immediately embraced: Spenser was charmed with the contrivance: young Edward was sent to Paris: and the ruin covered under this fatal snare, was never perceived or suspected by any of the English council.

The queen, on her arrival in France, had there found a great number of English fugitives, the remains of the Lancastrian faction; and their common hatred of Spenser soon begat a secret friendship and correspondence between them and that princess. Among the rest was young Roger Mortimer, a potent baron in the Welsh marches, who had been obliged, with others, to make his submissions to the king, had been condemned for high treason; but having received a pardon for his life, was afterwards detained in the Tower, with an intention of rendering his confinement perpetual, He was so fortunate as to make his escape into France;<sup>53</sup> and being one of the most considerable persons now remaining of the party, as well as distinguished by his violent animosity against Spenser, he was easily admitted to pay his court to Queen Isabella. The graces of his person and address advanced him quickly in her affections: he became her confidant and counsellor in all her measures; and gaining ground daily upon her heart, he engaged her to sacrifice at last, to her passion, all the sentiments of honor and of fidelity to her husband.<sup>54</sup>

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<sup>49</sup> Rymer, vol. iv. p. 7, 8, 20. T. de la More, p. 596. Walsing.[? unclear] p. 120. Ypoa. Neust. p. 506.

<sup>50</sup> T. de la More, p. 598. Murimuth, p. 65.

Hating now the man whom she had injured, and whom she never valued, she entered ardently into all Mortimer's conspiracies; and having artfully gotten into her hands the young prince, and heir of the monarchy, she resolved on the utter ruin of the king, as well as of his favorite. She engaged her brother to take part in the same criminal purpose: her court

was daily filled with the exiled barons: Mortimer lived in the most declared intimacy with her: a correspondence was secretly carried on with the malecontent party in England: and when Edward, informed of those alarming circumstances, required her speedily to return with the prince, she publicly replied, that she would never set foot in the kingdom till Spenser was forever removed from his presence and councils; a declaration which procured her great popularity in England, and threw a decent veil over all her treasonable enterprises.

Edward endeavored to put himself in a posture of defence;<sup>55</sup> but, besides the difficulties arising from his own indolence and slender abilities, and the want of authority, which of consequence attended all his resolutions, it was not easy for him, in the present state of the kingdom and revenue, to maintain a constant force ready to repel an invasion, which he knew not at what time or place he had reason to expect.

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<sup>51</sup> Rymer, vol. iv. p. 184, 188, 225.

All his efforts were unequal to the traitorous and hostile conspiracies which, both at home and abroad, were forming against his authority, and which were daily penetrating farther even into his own family. His brother, the earl of Kent, a virtuous but weak prince, who was then at Paris, was engaged by his sister-in-law, and by the king of France, who was also his cousin-german, to give countenance to the invasion, whose sole object, he believed, was the expulsion of the Spensers: he prevailed on his elder brother, the earl of Norfolk, to enter secretly into the same design: the earl of Leicester, brother and heir of the earl of Lancaster, had too many reasons for his hatred of these ministers to refuse his concurrence. Walter de Reynel, archbishop of Canterbury, and many of the prelates, expressed their approbation of the queen's measures: several of the most potent barons, envying the authority of the favorite, were ready to fly to arms: the minds of the people, by means of some truths and many calumnies, were strongly disposed to the same party: and there needed but the appearance of the queen and prince, with such a body of foreign troops as might protect her against immediate violence, to turn all this tempest, so artfully prepared, against the unhappy Edward.

Charles, though he gave countenance and assistance to the faction, was <sup>1326</sup>. ashamed openly to support the queen and prince against the authority of a husband and father; and Isabella was obliged to court the alliance of some other foreign potentate, from whose dominions she might set out on her intended enterprise. For this purpose, she affianced young Edward, whose tender age made him incapable to judge of the consequences, with Philippa, daughter of the count of Holland and Hainault;<sup>56</sup> and having, by the open assistance of this prince, and the secret protection of her brother, enlisted in her service near three thousand men, she set sail from the harbor of Dort, and landed safely, and without opposition, on the coast of Suffolk. The earl of Kent was in her company: two other princes of the blood, the earl of Norfolk and the earl of Leicester, joined her soon after her landing with all their followers: three prelates, the bishops of Ely, Lincoln, and Hereford, brought her both the force of their vassals and the authority of their character:<sup>57</sup> even Robert de Watteville, who had been sent by the king to oppose her progress in Suffolk, deserted to her with all his forces. To render her cause more favorable, she renewed her declaration, that the solo purpose of her enterprise was to free the king and kingdom from the tyranny of the Spensers, and of Chancellor Baldoc, their creature.<sup>58</sup> The populace were allured by her specious pretences: the barons thought themselves secure against forfeitures by the appearance of the prince in her army: and a weak, irresolute king, supported by ministers generally odious, was unable to stem this torrent, which bore with such irresistible violence against him.

Edward, after trying in vain to rouse the citizens of London to some sense of duty,<sup>59</sup> departed for the west, where he hoped to meet with a better reception; and he had no sooner discovered his weakness by leaving the city, than the rage of the populace broke out without control against him and his ministers.

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<sup>52</sup> T. de la More, p. 598.

<sup>53</sup> Walsing. p. 123. Ypod. Neust, p. 507. T. de la More, p. 598., Murimuth, p. 66.

<sup>54</sup> Ypod, Neust. p. 508.

<sup>55</sup> Walsing. p. 123.



They first plundered, then murdered all those who were obnoxious to them: they seized the bishop of Exeter, a virtuous and loyal prelate, as he was passing through the streets; and having beheaded him, they threw his body into the river.<sup>60</sup> They made themselves masters of the Tower by surprise; then entered into a formal association to put to death, without mercy, every one who should dare to oppose the enterprise of Queen Isabella, and of the prince.<sup>61</sup> A like spirit was soon communicated to all other parts of England; and threw the few servants of the king, who still entertained thoughts of performing their duty, into terror and astonishment.

Edward was hotly pursued to Bristol by the earl of Kent, seconded by the foreign forces under John de Hainault. He found himself disappointed in his expectations with regard to the loyalty of those parts; and he passed over to Wales, where, he flattered himself, his name was more popular, and which he hoped to find uninfected with the contagion of general rage which had seized the English.<sup>62</sup> The elder Spenser, created earl of Winchester, was left governor of the castle of Bristol; but the garrison mutinied against him, and he was delivered into the hands of his enemies. This venerable noble, who had nearly reached his ninetieth year, was instantly without trial, or witness, or accusation, or answer, condemned to death by the rebellious barons: he was hanged on a gibbet; his body was cut in pieces, and thrown to the dogs;<sup>63</sup> and his head was sent to Winchester, the place whose title he bore, and was there set on a pole and exposed to the insults of the populace.

The king, disappointed anew in his expectations of succor from the Welsh, took shipping for Ireland; but being driven back by contrary winds, he endeavored to conceal himself in the mountains of Wales: he was soon discovered, was put under the custody of the earl of Leicester, and was confined in the castle of Kenilworth. The younger Spenser, his favorite, who also fell into the hands of his enemies, was executed, like his father, without any appearance of a legal trial.<sup>64</sup>

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<sup>56</sup> Walsing. p. 124. T. de la More, p. 599. Murimuth, p. 66.

<sup>57</sup> ..... Walsing. p. 124.

<sup>58</sup> ..... Murimuth, p. 67.

<sup>59</sup> ..... Leland's Coll. vol. ii. p. 673. T. de la More, p. 599. Walsing. p. 125. M. Froissard, liv. i. chap. 13.

The earl of Arundel, almost the only man of his rank in England who had maintained his loyalty, was, without any trial, put to death at the instigation of Mortimer: Baldoc, the chancellor, being a priest, could not with safety be so suddenly despatched; but being sent to the bishop of Hereford's palace in London, he was there, as his enemies probably foresaw, seized by the populace, was thrown into Newgate, and soon after expired, from the cruel usage which he had received.<sup>65</sup> Even the usual reverence paid to the sacerdotal character gave way, with every other consideration, to the present rage of the people.

The queen, to avail herself of the prevailing delusion, summoned, in the <sup>1327</sup>. king's name, a parliament at Westminster; where, together with the power of her army, and the authority of her partisans among the barons, who were concerned to secure their past treasons by committing new acts of violence against their sovereign, she expected to be seconded by the fury of the populace, the most dangerous of all instruments, and the least answerable for their excesses. A charge was drawn up against the king, in which, even though it was framed by his inveterate enemies, nothing but his narrow genius, or his misfortunes, were objected to him; for the greatest malice found no particular crime with which it could reproach this unhappy prince. He was accused of incapacity for government, of wasting his time in idle amusements, of neglecting public business, of being swayed by evil counsellors, of having lost, by his misconduct, the kingdom of Scotland, and part of Guienne; and to swell the charge, even the death of some barons, and the imprisonment of some prelates, convicted of treason, were laid to his account.<sup>66</sup> It was in vain, amidst the violence of arms and tumult of the people, to appeal either to law or to reason: the deposition of the king, without any appearing opposition, was voted by parliament: the prince, already declared regent by his party,<sup>67</sup> was placed on the throne: and a deputation was sent to Edward at Kenilworth, to require his resignation, which menaces and terror soon extorted from him.

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<sup>60</sup> Walsing. p. 126. Murimuth, p. 68.

<sup>61</sup> Knyghton, p. 2765, 2766. Brady's App. No. 72.

<sup>62</sup> Rymer, vol. iv. p. 137. Walsing, p. 125.

But it was impossible that the people, however corrupted by the barbarity of the times, still further inflamed by faction, could forever remain insensible to the voice of nature. Here a wife had first deserted, next invaded, and then dethroned her husband; had made her minor son an instrument in this unnatural treatment of his father; had, by lying pretences, seduced the nation into a rebellion against their sovereign had pushed them into violence and cruelties that had dishonored them: all those circumstances were so odious in themselves, and formed such a complicated scene of guilt, that the least reflection sufficed to open men's eyes, and make them detest this flagrant infringement of every public and private duty. The suspicions which soon arose of Isabella's criminal commerce with Mortimer, the proofs which daily broke out of this part of her guilt, increased the general abhorrence against her; and her hypocrisy, in publicly bewailing with tears the king's unhappy fate,<sup>68</sup> was not able to deceive even the most stupid and most prejudiced of her adherents. In proportion as the queen became the object of public hatred the dethroned monarch, who had been the victim of her crimes and her ambition, was regarded with pity, with friendship, with veneration: and men became sensible, that all his misconduct, which faction had so much exaggerated, had been owing to the unavoidable weakness, not to any voluntary depravity, of his character. The earl of Leicester, now earl of Lancaster, to whose custody he had been committed, was soon touched with those generous sentiments; and besides using his prisoner with gentleness and humanity, he was suspected to have entertained still more honorable intentions in his favor. The king, therefore, was taken from his hands, and delivered over to Lord Berkeley, and Mautravers, and Gournay, who were intrusted alternately, each for a month, with the charge of guarding him. While he was in the custody of Berkeley, he was still treated with the gentleness due to his rank and his misfortunes; but when the turn of Mautravers and Gournay came, every species of indignity was practised

against him, as if their intention had been to break entirely the prince's spirit, and to employ his sorrows and afflictions, instead of more violent and more dangerous expedients, for the instruments of his murder.<sup>69</sup> It is reported, that one day, when Edward was to be shaved, they ordered cold and dirty water to be brought from the ditch for that purpose; and when he desired it to be changed, and was still denied his request, he burst into tears which bedewed his cheeks; and he exclaimed, that in spite of their insolence, he should be shaved with clean and warm water.<sup>70</sup>

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<sup>63</sup> Walsing. p. 126

<sup>64</sup> Anonymi Hist. p. 838.

<sup>65</sup> T. de la Mo'e, p. 602.

But as this method of laying Edward, in his grave appeared still too slow to the impatient Mortimer, he secretly sent orders to the two keepers, who were at his devotion instantly to despatch him: and these ruffians contrived to make the manner of his death as cruel and barbarous as possible. Taking advantage of Berkeley's sickness, in whose custody he then was, and who was thereby incapacitated from attending his charge,<sup>71</sup> they came to Berkeley Castle, and put themselves in possession of the king's person. They threw him on a bed; held him down violently with a table, which they flung over him; thrust into his fundament a red-hot iron, which they inserted through a horn; and though the outward marks of violence upon his person were prevented by this expedient, the horrid deed was discovered to all the guards and attendants by the screams with which the agonizing king filled the castle while his bowels were consuming.

Gournay and Mautravers were held in general detestation, and when the ensuing revolution in England threw their protectors from power, they found it necessary to provide for their safety by flying the kingdom. Gournay was afterwards seized at Marseilles, delivered over to the seneschal of Guienne, put on board a ship with a view of carrying him to England; but he was beheaded at sea, by secret orders, as was supposed, from some nobles and prelates in England, anxious to prevent any

discovery which he might make of his accomplices. Mautravers concealed himself for several years in Germany; but having found means of rendering some service to Edward III., he ventured to approach his person, threw himself on his knees before him, submitted to mercy, and received a pardon.<sup>72</sup>.....

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<sup>66</sup>..... Cotton's Abridg. p. 8.

<sup>67</sup>..... Cotton's Abridg. p. 66, 81. Rymer, vol. v. p. 600

It is not easy to imagine a man more innocent and inoffensive than the unhappy king whose tragical death we have related; nor a prince less fitted for governing that fierce and turbulent people subjected to his authority. He was obliged to devolve on others the weight of government, which he had neither ability nor inclination to bear: the same indolence and want of penetration led him to make choice of ministers and favorites who were not always the best qualified for the trust committed to them: the seditious grandees, pleased with his weakness, yet complaining of it, under pretence of attacking his ministers, insulted his person and invaded his authority: and the impatient populace, mistaking the source of their grievances, threw all the blame upon the king, and increased the public disorders by their faction and violence. It was in vain to look for protection from the laws, whose voice, always feeble in those times, was not heard amidst the din of arms—what could not defend the king, was less able to give shelter to any of the people: the whole machine of government was torn in pieces with fury and violence; and men, instead of regretting the manners of their age, and the form of their constitution, which required the most steady and most skilful hand to conduct them, imputed all errors to the person who had the misfortune to be intrusted with the reins of empire.

But though such mistakes are natural and almost unavoidable while the events are recent, it is a shameful delusion in modern historians, to imagine that all the ancient princes who were unfortunate in their government, were also tyrannical in their conduct; and that the seditions of the people always proceeded from some invasion of their privileges by the monarch. Even a great and a good king was not in that age secure

against faction and rebellion, as appears in the case of Henry II.; but a great king had the best chance, as we learn from the history of the same period, for quelling and subduing them. Compare the reigns and characters of Edward I. and II. The father made several violent attempts against the liberties of the people: his barons opposed him: he was obliged, at least found it prudent, to submit: but as they dreaded his valor and abilities, they were content with reasonable satisfaction, and pushed no farther their advantages against him. The facility and weakness of the son, not his violence, threw every thing into confusion: the laws and government were overturned: an attempt to reinstate them was an unpardonable crime: and no atonement but the deposition and tragical death of the king himself could give those barons contentment. It is easy to see, that a constitution which depended so much on the personal character of the prince, must necessarily, in many of its parts, be a government of will, not of laws. But always to throw, without distinction, the blame of all disorders upon the sovereign would introduce a fatal error in politics, and serve as a perpetual apology for treason and rebellion: as if the turbulence of the great, and madness of the people, were not, equally with the tyranny of princes, evils incident to human society, and no less carefully to be guarded against in every well-regulated constitution.

While these abominable scenes passed in England, the theatre of France was stained with a wickedness equally barbarous, and still more public and deliberate. The order of knights templars had arisen during the first fervor of the crusades; and uniting the two qualities the most popular in that age, devotion and valor, and exercising both in the most popular of all enterprises, the defence of the Holy Land, they had made rapid advances in credit and authority, and had acquired, from the piety of the faithful, ample possessions in every country of Europe, especially in France. Their great riches, joined to the course of time, had, by degrees, relaxed the severity of these virtues; and the templars had, in a great measure, lost that popularity which first raised them to honor and distinction. Acquainted from experience with the fatigues and dangers of those fruitless expeditions to the East, they rather chose to enjoy in ease their opulent revenues in Europe: and being all men of birth, educated, according to the custom of that age, without any tincture of letters, they scorned the ignoble occupations of a monastic life, and passed their time

wholly in the fashionable amusements of hunting, gallantry, and the pleasures of the table. Then rival order, that of St. John of Jerusalem, whose poverty had as yet preserved them from like corruptions, still distinguished themselves by their enterprises against the infidels, and succeeded to all the popularity which was lost by the indolence and luxury of the templars. But though these reasons had weakened the foundations of this order, once so celebrated and revered, the immediate cause of their destruction proceeded from the cruel and vindictive spirit of Philip the Fair, who, having entertained a private disgust against some eminent templars, determined to gratify at once his avidity and revenge, by involving the whole order in an undistinguished ruin. On no better information than that of two knights, condemned by their superiors to perpetual imprisonment for their vices and profligacy, he ordered on one day all the templars in France to be committed to prison, and imputed to them such enormous and absurd crimes as are sufficient of themselves to destroy all the credit of the accusation. Besides their being universally charged with murder, robbery, and vices the most shocking to nature, every one, it was pretended, whom they received into their order, was obliged to renounce his Savior, to spit upon the cross,<sup>73</sup> and to join to this impiety the superstition of worshipping a gilded head, which was secretly kept in one of their houses at Marseilles.

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<sup>68</sup> Rymer, vol. iii. p. 31, 101.

They also initiated, it was said, every candidate by such infamous rites as could serve to no other purpose than to degrade the order in his eyes, and destroy forever the authority of all his superiors over him.<sup>74</sup> Above a hundred of these unhappy gentlemen were put to the question, in order to extort from them a confession of their guilt: the more obstinate perished in the hands of their tormentors: several, to procure immediate ease in the violence of their agonies, acknowledged whatever was required of them: forged confessions were imputed to others: and Philip, as if their guilt were now certain, proceeded to a confiscation of all their treasures. But no sooner were the templars relieved from their tortures, than, preferring the most cruel execution to a life with infamy, they disavowed their

confessions, exclaimed against the forgeries, justified the innocence of their order, and appealed to all the gallant actions performed by them in ancient or later times, as a full apology for their conduct. The tyrant, enraged at this disappointment, and thinking himself now engaged in honor to proceed to extremities, ordered fifty-four of them, whom he branded as relapsed heretics, to perish by the punishment of fire in his capital: great numbers expired, after a like manner, in other parts of the kingdom: and when he found that the perseverance of these unhappy victims, in justifying to the last their innocence, had made deep impression on the spectators, he endeavored to overcome the constancy of the templars by new inhumanities. The grand master of the order, John de Molay, and another great officer, brother to the sovereign of Dauphiny, were conducted to a scaffold erected before the church of Notredame, at Paris: a full pardon was offered them on the one hand; the fire destined for their execution was shown them on the other: these gallant nobles still persisted in the protestations of their own innocence and that of their order; and were instantly hurried into the flames by the executioner.<sup>75</sup>

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<sup>69</sup> ..... It was pretended that he kissed the knights who received him on the mouth, navel, and breech. Dupuy, p. 15, 6. Walsing, p. 99.

<sup>70</sup> ..... Vertot, vol. ii. p. 142.

In all this barbarous injustice, Clement V., who was the creature of Philip, and then resided in France, fully concurred; and without examining a witness, or making any inquiry into the truth of facts, he summarily, by the plenitude of his apostolic power, abolished the whole order. The templars all over Europe were thrown into prison; their conduct underwent a strict scrutiny; the power of their enemies still pursued and oppressed them; but nowhere, except in France, were the smallest traces of their guilt pretended to be found. England sent an ample testimony of their piety and morals; but as the order was now annihilated, the knights were distributed into several convents, and their possessions were, by command of the pope, transferred to the order of St. John.<sup>76</sup> We now proceed to relate some other detached transactions of the present period.



The kingdom of England was afflicted with a grievous famine during several years of this reign. Perpetual rains and cold weather not only destroyed the harvest, but bred a mortality among the cattle, and raised every kind of food to an enormous price.<sup>77</sup> The parliament in 1315 endeavored to fix more moderate rates to commodities! not sensible that such an attempt was impracticable, and that, were it possible to reduce the price of provisions by any other expedient than by introducing plenty, nothing could be more pernicious and destructive to the public. Where the produce of a year, for instance, falls so far short as to afford full subsistence only for nine months, the only expedient for making it last all the twelve, is to raise the prices, to put the people by that means on short allowance, and oblige them to save their food till a more plentiful season. But in reality the increase of prices is a necessary consequence of scarcity; and laws, instead of preventing it, only aggravate the evil, by cramping and restraining commerce. The parliament accordingly, in the ensuing year, repealed their ordinance, which they had found useless and burdensome.<sup>78</sup>

The prices affixed by the parliament are somewhat remarkable: three pounds twelve shillings of our present money for the best stalled ox; for other oxen, two pounds eight shillings; a fat hog of two years old, ten shillings; a fat wether unshorn, a crown; if shorn, three shillings and sixpence; a fat goose, sevenpence halfpenny; a fat capon, sixpence; a fat hen, threepence; two chickens, threepence; four pigeons, threepence; two dozen of eggs, threepence.<sup>79</sup>

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<sup>71</sup> Rymer, vol. iii. p. 323, 956; vol. iv. p. 47. Ypod. Neust. p. 606

<sup>72</sup> Trivet, Cont. p. 17, 18.

<sup>73</sup> Walsing p. 107.

<sup>74</sup> Rot. Parl. 7 Edw. II. n. 35, 36. Ypod. Neust. p. 502.

If we consider these prices, we shall find that butcher's meat, in this time of great scarcity, must still have been sold, by the parliamentary ordinance, three times cheaper than our middling prices at present; poultry somewhat lower, because, being now considered as a delicacy, it has risen beyond its proportion. In the country places of Ireland and

Scotland, where delicacies bear no price, poultry is at present as cheap, if not cheaper than butcher's meat. But the inference I would draw from the comparison of prices is still more considerable: I suppose that the rates affixed by parliament were inferior to the usual market prices in those years of famine and mortality of cattle; and that these commodities, instead of a third, had really risen to a half of the present value. But the famine at that time was so consuming, that wheat was sometimes sold for above four pounds ten shillings a quarter,<sup>80</sup> usually for three pounds;<sup>81</sup> that is, twice our middling prices: a certain proof of the wretched state of tillage in those ages. We formerly found, that the middling price of corn in that period was half of the present price; while the middling price of cattle was only an eighth part: we here find the same immense disproportion in years of scarcity. It may thence be inferred with certainty, that the raising of corn was a species of manufactory, which few in that age could practise with advantage: and there is reason to think, that other manufactures, more refined, were sold even beyond their present prices; at least, there is a demonstration for it in the reign of Henry VII., from the rates affixed to scarlet and other broadcloth by act of parliament. During all those times it was usual for the princes and great nobility to make settlements of their velvet beds and silken robes, in the same manner as of their estates and manors.<sup>82</sup> In the list of jewels and plate which had belonged to the ostentatious Gavaston, and which the king recovered from the earl of Lancaster after the murder of that favorite, we find some embroidered girdles, flowered shirts, and silk waistcoats.<sup>83</sup>

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<sup>75</sup> Murimuth, p. 48. Walsingham (p. 108) says it rose to six pounds.

<sup>76</sup> Ypod. Neust. p. 502. Trivet Cont. p. 18.

<sup>77</sup> Dugdale, passim.

<sup>78</sup> Rymer, vol. iii. p. 288

It was afterwards one article of accusation against that potent and opulent earl, when he was put to death, that he had purloined some of that finery of Gavaston's. The ignorance of those ages in manufactures, and still more

their unskilful husbandry, seem a clear proof that the country was then far from being populous.

All trade and manufactures, indeed, were then at a very low ebb. The only country in the northern parts of Europe, where they seem to have risen to any tolerable degree of improvement, was Flanders. When Robert, earl of that country, was applied to by the king, and was desired to break off commerce with the Scots, whom Edward called his rebels, and represented as excommunicated on that account by the church, the earl replied, that Flanders was always considered as common, and free and open to all nations.<sup>84</sup>

The petition of the elder Spenser to parliament, complaining of the devastation committed on his lands by the barons, contains several particulars which are curious, and discover the manners of the age.<sup>85</sup>

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<sup>79</sup> Rymer, vol. iii. p. 770.

<sup>80</sup> Brady's Hist. vol. ii. p. 143, from Claus. 15 Edw-II. M, 14 Dors. in cedula.

He affirms, that they had ravaged sixty-three manors belonging to him, and he makes his losses amount to forty-six thousand pounds; that is, to one hundred and thirty-eight thousand of our present money. Among other particulars, he enumerates twenty-eight thousand sheep, one thousand oxen and heifers, twelve hundred cows with their breed for two years, five hundred and sixty cart-horses, two thousand hogs, together with six hundred bacons, eighty carcasses of beef, and six hundred muttoms in the larder; ten tuns of cider, arms for two hundred men, and other warlike engines and provisions. The plain inference is, that the greater part of Spenser's vast estate, as well as the estates of the other nobility, was farmed by the landlord himself, managed by his stewards or bailiffs, and cultivated by his villains. Little or none of it was let on lease to husbandmen: its produce was consumed in rustic hospitality by the baron or his officers: a great number of idle retainers, ready for any disorder or mischief, were maintained by him: all who lived upon his estate were absolutely at his disposal: instead of applying to courts of justice, he usually sought redress by open force and violence: the great nobility were a

kind of independent potentates, who, if they submitted to any regulations at all, were less governed by the municipal law than by a rude species of the law of nations. The method in which we find they treated the king's favorites and ministers, is a proof of their usual way of dealing with each other. A party which complains of the arbitrary conduct of ministers, ought naturally to affect a great regard for the laws and constitution, and maintain at least the appearance of justice in their proceedings; yet those barons, when discontented, came to parliament with an armed force, constrained the king to assent to their measures, and without any trial, or witness, or conviction, passed, from the pretended notoriety of facts, an act of banishment or attainder against the minister, which, on the first revolution of fortune, was reversed by like expedients. The parliament during factious times was nothing but the organ of present power. Though the persons of whom it was chiefly composed seemed to enjoy great independence, they really possessed no true liberty; and the security of each individual among them was not so much derived from the general protection of law, as from his own private power and that of his confederates. The authority of the monarch, though far from absolute, was irregular, and might often reach him: the current of a faction might overwhelm him: a hundred considerations of benefits and injuries, friendships and animosities, hopes and fears, were able to influence his conduct; and amidst these motives, a regard to equity, and law, and justice was commonly, in those rude ages, of little moment. Nor did any man entertain thoughts of opposing present power, who did not deem himself strong enough to dispute the field with it by force, and was not prepared to give battle to the sovereign or the ruling party.

Before I conclude this reign, I cannot forbear making another remark, drawn from the detail of losses given in by the elder Spenser; particularly the great quantity of salted meat which he had in his larder, six hundred bacons, eighty carcasses of beef, six hundred muttuns. We may observe, that the outrage of which he complained began after the third of May, or the eleventh, new style, as we learn from the same paper. It is easy, therefore, to conjecture what a vast store of the same kind he must have laid up at the beginning of winter; and we may draw a new conclusion with regard to the wretched state of ancient husbandry, which could not provide subsistence for the cattle during winter, even in such a temperate

climate as the south of England; for Spenser had but one manor so far north as Yorkshire. There being few or no enclosures, except perhaps for deer, no sown grass, little hay, and no other resource for feeding cattle, the barons, as well as the people, were obliged to kill and salt their oxen and sheep in the beginning of winter, before they became lean upon the common pasture; a precaution still practised with regard to oxen in the least cultivated parts of this island. The salting of mutton is a miserable expedient, which has every where been long disused. From this circumstance, however trivial in appearance, may be drawn important inferences with regard to the domestic economy and manner of life in those ages.

The disorders of the times, from foreign wars and intestine dissensions, but above all, the cruel famine, which obliged the nobility to dismiss many of their retainers, increased the number of robbers in the kingdom; and no place was secure from their incursions.<sup>86</sup> They met in troops like armies, and over-ran the country. Two cardinals themselves, the pope's legates, notwithstanding the numerous train which attended them, were robbed and despoiled of their goods and equipage, when they travelled on the highway.<sup>87</sup>

Among the other wild fancies of the age, it was imagined, that the persons affected with leprosy (a disease at that time very common, probably from bad diet) had conspired with the Saracens to poison all the springs and fountains; and men, being glad of any pretence to get rid of those who were a burden to them, many of those unhappy people were burnt alive on this chimerical imputation. Several Jews, also, were punished in their persons, and their goods were confiscated on the same account.<sup>88</sup>

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<sup>81</sup> Ypod. Neust. p. 502. Walsing. p. 107.

<sup>82</sup> Ypod Neust. p. 503. T. de la More, p. 594. Trivet, Cont. p, 22. Murimuth, p. 51.

<sup>83</sup> Ypod. Neust. p. 504.

Stowe, in his Survey of London, gives us a curious instance of the hospitality of the ancient nobility in this period; it is taken from the accounts of the cofferer or steward of Thomas earl of Lancaster, and contains the expenses of that earl during the year 1313, which was not a year of famine. For the pantry, buttery, and kitchen, three thousand four hundred and five pounds. For three hundred and sixty-nine pipes of red wine, and two of white, one hundred and four pounds, etc. The whole, seven thousand three hundred and nine pounds; that is, near twenty-two thousand pounds of our present money; and making allowance for the cheapness of commodities, near a hundred thousand pounds.

I have seen a French manuscript, containing accounts of some private disbursements of this king. There is an article, among others, of a crown paid to one for making the king laugh. To judge by the events of the reign, this ought not to have been an easy undertaking.

This king left four children, two sons and two daughters: Edward, his eldest son and successor; John, created afterwards earl of Cornwall, who died young at Perth; Jane, afterwards married to David Bruce, king of Scotland; and Eleanor, married to Reginald, count of Gueldres.



## CHAPTER 15.

### EDWARD III.

The violent party which had taken arms against Edward II., and finally <sup>1327</sup> deposed that unfortunate monarch, deemed it requisite for their future security to pay so far an exterior obeisance to the law, as to desire a parliamentary indemnity for all their illegal proceedings; on account of the necessity which, it was pretended, they lay under, of employing force against the Spensers and other evil counsellors, enemies of the kingdom. All the attainders, also, which had passed against the earl of Lancaster and his adherents, when the chance of war turned against them, were easily reversed during the triumph of their party;<sup>1</sup> and the Spensers, whose former attainder had been reversed by parliament, were now again, in this change of fortune, condemned by the votes of their enemies.

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<sup>1</sup> Rymer, vol. iv. p. 245, 267, 258, etc.

A council of regency was likewise appointed by parliament, consisting of twelve persons; five prelates, the archbishops of Canterbury and York, the bishops of Winchester, Worcester, and Hereford; and seven lay peers, the earls of Norfolk, Kent, and Surrey, and the lords Wake, Ingham, Piercy, and Ross. The earl of Lancaster was appointed guardian and protector of the king's person. But though it was reasonable to expect that, as the weakness of the former king had given reins to the licentiousness of the barons, great domestic tranquillity would not prevail during the present minority; the first disturbance arose from an invasion by foreign enemies.

The king of Scots, declining in years and health, but retaining still that martial spirit which had raised his nation from the lowest ebb of fortune, deemed the present opportunity favorable for infesting England. He first made an attempt on the Castle of Norham, in which he was disappointed; he then collected an army of twenty-five thousand men on the frontiers, and having given the command to the earl of Murray and Lord Douglas,

threatened an incursion into the northern counties. The English regency, after trying in vain every expedient to restore peace with Scotland, made vigorous preparations for war; and besides assembling an English army of near sixty thousand men, they invited back John of Hainault, and some foreign cavalry whom they had dismissed, and whose discipline and arms had appeared superior to those of their own country. Young Edward himself, burning with a passion for military fame, appeared at the head of these numerous forces; and marched from Durham, the appointed place of rendezvous, in quest of the enemy, who had already broken into the frontiers, and were laying every thing waste around them.

Murray and Douglas were the two most celebrated warriors, bred in the long hostilities between the Scots and English; and their forces, trained in the same school, and inured to hardships, fatigues, and dangers, were perfectly qualified, by their habits and manner of life, for that desultory and destructive war which they carried into England. Except a body of about four thousand cavalry, well armed, and fit to make a steady impression in battle, the rest of the army were light-armed troops, mounted on small horses, which found subsistence every where, and carried them with rapid and unexpected marches, whether they meant to commit depredations on the peaceable inhabitants, or to attack an armed enemy, or to retreat into their own country. Their whole equipage consisted of a bag of oatmeal, which, as a supply in case of necessity, each soldier carried behind him; together with a light plate of iron, on which he instantly baked the meal into a cake in the open fields. But his chief subsistence was the cattle which he seized; and his cookery was as expeditious as all his other operations. After flaying the animal, he placed the skin, loose and hanging in the form of a bag, upon some stakes; he poured water into it, kindled a fire below, and thus made it serve as a caldron for the boiling of his victuals.<sup>2</sup>

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<sup>2</sup> Froissard, liv. iv. chap. 18.

The chief difficulty which Edward met with, after composing some dangerous frays which broke out between his foreign forces and the English,<sup>3</sup> was to come up with an army so rapid in its marches, and so little



encumbered in its motions. Though the flame and smoke of burning villages directed him sufficiently to the place of their encampment, he found, upon hurrying thither, that they had already dislodged; and he soon discovered, by new marks of devastation, that they had removed to some distant quarter. After harassing his army during some time in this fruitless chase, he advanced northwards, and crossed the Tyne, with a resolution of awaiting them on their return homewards, and taking vengeance for all their depredations.<sup>4</sup> But that whole country was already so much wasted by their frequent incursions, that it could not afford subsistence to his army; and he was obliged again to return southwards, and change his plan of operations. He had now lost all track of the enemy; and though he promised the reward of a hundred pounds a year to any one who should bring him an account of their motions, he remained inactive some days before he received any intelligence of them.<sup>5</sup> He found at last that they had fixed their camp on the southern banks of the Were, as if they intended to await a battle; but their prudent leaders had chosen the ground with such judgment, that the English, on their approach, saw it impracticable, without temerity, to cross the river in their front, and attack them in their present situation. Edward, impatient for revenge and glory, here sent them a defiance, and challenged them, if they dared, to meet him in an equal field, and try the fortune of arms. The bold spirit of Douglas could ill brook this bravado, and he advised the acceptance of the challenge; but he was overruled by Murray, who replied to Edward that he never took the counsel of an enemy in any of his operations. The king, therefore, kept still his position opposite to the Scots; and daily expected that necessity would oblige them to change their quarters, and give him an opportunity of overwhelming them with superior forces. After a few days, they suddenly decamped, and marched farther up the river; but still posted themselves in such a manner as to preserve the advantage of the ground if the enemy should venture to attack them.<sup>6</sup>

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<sup>3</sup> Froissard, liv. iv. chap. 17.

<sup>4</sup> Froissard, liv. iv. chap. 19.

<sup>5</sup> Rymer, vol. iv. p. 312. Froissard, liv. iv. chap. 19.

<sup>6</sup> Froissard, liv. iv. chap. 19.

Edward insisted that all hazards should be run, rather than allow these ravagers to escape with impunity; but Mortimer's authority prevented the attack, and opposed itself to the valor of the young monarch. While the armies lay in this position, an incident happened which had well nigh proved fatal to the English. Douglas, having gotten the word, and surveyed exactly the situation of the English camp, entered it secretly in the night-time, with a body of two hundred determined soldiers, and advanced to the royal tent, with a view of killing or carrying off the king in the midst of his army. But some of Edward's attendants, awaking in that critical moment, made resistance; his chaplain and chamberlain sacrificed their lives for his safety; the king himself, after making a valorous defence, escaped in the dark; and Douglas, having lost the greater part of his followers, was glad to make a hasty retreat with the remainder.<sup>7</sup> Soon after, the Scottish army decamped without noise in the dead of night; and having thus gotten the start of the English, arrived without further loss in their own country. Edward, on entering the place of the Scottish encampment, found only six Englishmen, whom the enemy, after breaking their legs, had tied to trees, in order to prevent their carrying any intelligence to their countrymen.<sup>8</sup>

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<sup>7</sup> Froissard, liv. iv. chap. 19. Heming. p. 265. Ypod. Neust. p. 509. Knyghton, p 2552.

<sup>8</sup> Froissard, liv. iv. chap. 19.

The king was highly incensed at the disappointment which he had met with in his first enterprise, and at the head of so gallant an army. The symptoms which he had discovered of bravery and spirit gave extreme satisfaction, and were regarded as sure prognostics of an illustrious reign: but the general displeasure fell violently on Mortimer, who was already the object of public odium; and every measure which he pursued tended to aggravate, beyond all bounds, the hatred of the nation both against him and Queen Isabella.

When the council of regency was formed, Mortimer, though in the plenitude of his power, had taken no care to insure a place in it; but this semblance of moderation was only a cover to the most iniquitous and most ambitious projects. He rendered that council entirely useless, by usurping to himself the whole sovereign authority; he settled on the queen dowager the greater part of the royal revenues; he never consulted either the princes of the blood or the nobility in any public measure; the king himself was so besieged by his creatures, that no access could be procured to him; and all the envy which had attended Gavaston and Spenser fell much more deservedly on the new favorite.

Mortimer, sensible of the growing hatred of the people, thought it <sup>1328</sup> requisite on any terms to secure peace abroad; and he entered into a negotiation with Robert Bruce for that purpose. As the claim of superiority in England, more than any other cause, had tended to inflame the animosities between the two nations, Mortimer, besides stipulating a marriage between Jane, sister of Edward, and David, the son and heir of Robert, consented to resign absolutely this claim, to give up all the homages done by the Scottish parliament and nobility, and to acknowledge Robert as independent sovereign of Scotland.<sup>9</sup> In return for these advantages, Robert stipulated the payment of thirty thousand marks to England. This treaty was ratified by parliament;<sup>10</sup> but was nevertheless the source of great discontent among the people, who, having entered zealously into the pretensions of Edward I., and deeming themselves disgraced by the successful resistance made by so inferior a nation, were disappointed, by this treaty, in all future hopes both of conquest and of vengeance.

The princes of the blood, Kent, Norfolk, and Lancaster, were much united in their councils; and Mortimer entertained great suspicions of their designs against him. In summoning them to parliament, he strictly prohibited them, in the king's name, from coming attended by an armed force; an illegal but usual practice in that age. The three earls, as they approached to Salisbury, the place appointed for the meeting of parliament, found, that though they themselves, in obedience to the king's command, had brought only their usual retinue with them, Mortimer and his party were attended by all their followers in arms; and they began with

some reason to apprehend a dangerous design against their persons. They retreated, assembled their retainers, and were returning with an army to take vengeance on Mortimer; when the weakness of Kent and Norfolk, who deserted the common cause, obliged Lancaster also to make his submissions.<sup>11</sup>

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<sup>9</sup> Rymer, p. 837. Heming. p. 270. Anon. Hist p. 392.

<sup>10</sup> Ypod, Neust. p. 510.

<sup>11</sup> Knyghton, p. 2554.

The quarrel by the interposition of the prelates, seemed for the present to be appeased.

But Mortimer, in order to intimidate the princes, determined to have a <sup>1329</sup> victim; and the simplicity, with the good intentions of the earl of Kent, afforded him soon after an opportunity of practising upon him. By himself and his emissaries he endeavored to persuade that prince that his brother, King Edward, was still alive, and detained in some secret prison in England. The earl, whose remorse for the part which he had acted against the late king probably inclined him to give credit to this intelligence, entered into a design of restoring him to liberty, of reinstating him on the throne, and of making thereby some atonement for the injuries which he himself had unwarily done him.<sup>12</sup>

After this harmless contrivance had been allowed to proceed a certain <sup>1330</sup> length, the earl was seized by Mortimer, was accused before the parliament, and condemned, by those slavish though turbulent barons, to lose his life and fortune. The queen and Mortimer, apprehensive of young Edward's lenity towards his uncle, hurried on the execution, and the prisoner was beheaded next day: but so general was the affection borne him, and such pity prevailed for his unhappy fate, that, though peers had been easily found to condemn him, it was evening before his enemies could find an executioner to perform the office.<sup>13</sup>

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<sup>12</sup> Avesbury, p. 8. Anon. Hist. p. 395.

The earl of Lancaster, on pretence of his having assented to this conspiracy, was soon after thrown into prison: many of the prelates and nobility were prosecuted: Mortimer employed this engine to crush all his enemies, and to enrich himself and his family by the forfeitures. The estate of the earl of Kent was seized for his younger son, Geoffrey: the immense fortunes of the Spensers and their adherents were mostly converted to his own use: he affected a state and dignity equal or superior to the royal: his power became formidable to every one: his illegal practices were daily complained of: and all parties, forgetting past animosities, conspired in their hatred of Mortimer.

It was impossible that these abuses could long escape the observation of a prince endowed with so much spirit and judgment as young Edward, who, being now in his eighteenth year, and feeling himself capable of governing, repined at being held in fetters by this insolent minister. But so much was he surrounded by the emissaries of Mortimer, that it behoved him to conduct the project for subverting him with the same secrecy and precaution as if he had been forming a conspiracy against his sovereign. He communicated his intentions to Lord Mountacute, who engaged the Lords Molins and Clifford, Sir John Nevil of Hornby, Sir Edward Bohun, Ufford, and others, to enter into their views; and the Castle of Nottingham was chosen for the scene of the enterprise. The queen dowager and Mortimer lodged in that fortress: the king also was admitted, though with a few only of his attendants: and as the castle was strictly guarded, the gates locked every evening, and the keys carried to the queen, it became necessary to communicate the design to Sir William Eland, the governor, who zealously took part in it. By his direction, the king's associates were admitted through a subterraneous passage, which had formerly been contrived for a secret outlet from the castle, but was now buried in rubbish; and Mortimer, without having it in his power to make resistance, was suddenly seized in an apartment adjoining to the queen's.<sup>14</sup>..... A parliament was immediately summoned for his condemnation. He was accused before that assembly of having usurped regal power from the council of regency appointed by parliament; of having procured the death

of the late king; of having deceived the earl of Kent into a conspiracy to restore that prince; of having solicited and obtained exorbitant grants of the royal demesnes; of having dissipated the public treasure; of secreting twenty thousand marks of the money paid by the king of Scotland; and of other crimes and misdemeanors.<sup>15</sup> The parliament condemned him from the supposed notoriety of the facts, without trial, or hearing his answer, or examining a witness; and he was hanged on a gibbet at the Elmes, in the neighborhood of London. It is remarkable, that this sentence was near twenty years after reversed by parliament, in favor of Mortimer's son; and the reason assigned was, the illegal manner of proceeding.<sup>16</sup> The principles of law and justice were established in England, not in such a degree as to prevent any iniquitous sentence against a person obnoxious to the ruling party; but sufficient, on the return of his credit, or that of his friends, to serve as a reason or pretence for its reversal.

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<sup>14</sup> Avesbury, p. 9.

<sup>15</sup> Brady's App. No. 83. Anon. Hist. p. 397, 398. Knyghton, p. 2556.

<sup>16</sup> Cotton's Abridg. p. 85, 86.

Justice was also executed by a sentence of the house of peers on 1331. some of the inferior criminals, particularly on Simon de Bereford: but the barons, in that act of jurisdiction, entered a protest, that though they had tried Bereford, who was none of their peers, they should not for the future be obliged to receive any such indictment. The queen was confined to her own house at Risings, near London: her revenue was reduced to four thousand pounds a year:<sup>17</sup> and though the king, during the remainder of her life, paid her a decent visit once or twice a year, she never was able to reinstate herself in any credit or authority.

Edward, having now taken the reins of government into his own hands, applied himself, with industry and judgment, to redress all those grievances which had proceeded either from want of authority in the crown, or from the late abuses of it. He issued writs to the judges, enjoining them to administer justice, without paying any regard to arbitrary orders from the ministers: and as the robbers, thieves,

murderers, and criminals of all kinds, had, during the course of public convulsions, multiplied to an enormous degree, and were openly protected by the great barons, who made use of them against their enemies, the king, after exacting from the peers a solemn promise in parliament, that they would break off all connections with such malefactors,<sup>18</sup> set himself in earnest to remedy the evil. Many of these gangs had become so numerous as to require his own presence to disperse them; and he exerted both courage and industry in executing this salutary office. The ministers of justice, from his example, employed the utmost diligence in discovering, pursuing, and punishing the criminals; and this disorder was by degrees corrected, at least palliated; the utmost that could be expected with regard to a disease hitherto inherent in the constitution.

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<sup>17</sup> Cotton's Abridg. p. 10

<sup>18</sup> Cotton's Abridg. p. 10.

In proportion as the government acquired authority at home, it became formidable to the neighboring nations; and the ambitious spirit of Edward sought, and soon found, an opportunity of exerting itself. The wise and valiant Robert Bruce, who had recovered by arms the independence of his country, and had fixed it by the last treaty of peace with England, soon after died, and left David his son, a minor, under the guardianship of Randolph, earl of Murray, the companion of all his victories. It had been stipulated in this treaty, that both the Scottish nobility who, before the commencement of the wars enjoyed lands in England, and the English who inherited estates in Scotland, should be restored to their respective possessions:<sup>19</sup> but though this article had been executed pretty regularly on the part of Edward, Robert, who observed that the estates claimed by Englishmen were much more numerous and valuable than the others, either thought it dangerous to admit so many secret enemies into the kingdom, or found it difficult to wrest from his own followers the possessions bestowed on them as the reward of former services; and he had protracted the performance of his part of the stipulation. The English nobles, disappointed in their expectations, began to think of a remedy; and

as their influence was great in the north, their enmity alone, even though unsupported by the King of England, became dangerous to the minor prince who succeeded to the Scottish throne.

Edward Baliol, the son of that John who was crowned king of Scotland, <sup>1332</sup> had been detained some time a prisoner in England after his father was released; but having also obtained his liberty, he went over to France, and resided in Normandy, on his patrimonial estate in that country, without any thoughts of reviving the claims of his family to the crown of Scotland. His pretensions, however plausible, had been so strenuously abjured by the Scots and rejected by the English, that he was universally regarded as a private person; and he had been thrown into prison on account of some private offence of which he was accused. Lord Beaumont, a great English baron, who, in the right of his wife, claimed the earldom of Buchan in Scotland,<sup>20</sup> found him in this situation; and deeming him a proper instrument for his purpose, made such interest with the king of France, who was not aware of the consequences, that he recovered him his liberty, and brought him over with him to England.

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<sup>19</sup> Rymer, vol. iv. p. 384.

<sup>20</sup> Rymer, vol. iv. p. 251.

The injured nobles, possessed of such a head, began to think of vindicating their rights by force of arms; and they applied to Edward for his concurrence and assistance. But there were several reasons which deterred the king from openly avowing their enterprise. In his treaty with Scotland he had entered into a bond of twenty thousand pounds, payable to the pope, if within four years he violated the peace; and as the term was not yet elapsed, he dreaded the exacting of that penalty by the sovereign pontiff, who possessed so many means of forcing princes to make payment. He was also afraid that violence and injustice would every where be imputed to him, if he attacked with superior force a minor king, and a brother-in-law, whose independent title had so lately been acknowledged by a solemn treaty. And as the regent of Scotland, on every demand which had been made of restitution to the English barons, had always confessed



the justice of their claim, and had only given an evasive answer, grounded on plausible pretences, Edward resolved not to proceed by open violence, but to employ like artifices against him. He secretly encouraged Baliol in his enterprise; connived at his assembling forces in the north; and gave countenance to the nobles who were disposed to join in the attempt. A force of near two thousand five hundred men was enlisted under Baliol, by Umfreville, earl of Angus, the lords Beaumont, Ferrars, Fitz-warin, Wake, Stafford, Talbot, and Moubray. As these adventurers apprehended that the frontiers would be strongly armed and guarded, they resolved to make their attack by sea; and having embarked at Ravenspur, they reached in a few days the coast of Fife.

Scotland was at that time in a very different situation from that in which it had appeared under the victorious Robert. Besides the loss of that great monarch, whose genius and authority preserved entire the whole political fabric, and maintained a union among the unruly barons, Lord Douglas, impatient of rest, had gone over to Spain in a crusade against the Moors, and had there perished in battle:<sup>21</sup> the earl of Murray, who had long been declining through age and infirmities, had lately died, and had been succeeded in the regency by Donald, earl of Marre, a man of much inferior talents: the military spirit of the Scots, though still unbroken, was left without a proper guidance and direction: and a minor king seemed ill qualified to defend an inheritance, which it had required all the consummate valor and abilities of his father to acquire and maintain.

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<sup>21</sup> Froissard, liv. i. chap. 21.

But as the Scots were apprised of the intended invasion, great numbers, on the appearance of the English fleet, immediately ran to the shore, in order to prevent the landing of the enemy. Baliol had valor and activity, and he drove back the Scots with considerable loss.<sup>22</sup> He marched westward into the heart of the country; flattering himself that the ancient partisans of his family would declare for him. But the fierce animosities which had been kindled between the two nations, inspiring the Scots with a strong prejudice against a prince supported by the English, he was regarded as a common enemy; and the regent found no difficulty in assembling a great

army to oppose him. It is pretended that Marre had no less than forty thousand men under his banners; but the same hurry and impatience that made him collect a force, which, from its greatness, was so disproportioned to the occasion, rendered all his motions unskilful and imprudent. The River Erne ran between the two armies; and the Scots, confiding in that security, as well as in their great superiority of numbers, kept no order in their encampment. Baliol passed the river in the night-time; attacked the unguarded and undisciplined Scots; threw them into confusion, which was increased by the darkness, and by their very numbers, to which they trusted; and he beat them off the field with great slaughter.<sup>23</sup> But in the morning, when the Scots were at some distance, they were ashamed of having yielded the victory to so weak a foe, and they hurried back to recover the honor of the day. Their eager passions urged them precipitately to battle, without regard to some broken ground which lay between them and the enemy, and which disordered and confounded their ranks. Baliol seized the favorable opportunity, advanced his troops upon them, prevented them from rallying, and anew chased them off the field with redoubled slaughter. There fell above twelve thousand Scots in this action; and among these the flower of their nobility; the regent himself, the earl of Carrick, a natural son of their late king, the earls of Athole and Monteith, lord Hay of Errol, constable, and the lords Keith and Lindsey. The loss of the English scarcely exceeded thirty men; a strong proof, among many others, of the miserable state of military discipline in those ages.<sup>24</sup>

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<sup>22</sup> Heming. p. 272. Walsing. p. 131. Knyghton, p. 2560.

<sup>23</sup> Knyghton, p. 2561.

<sup>24</sup> Heming. p. 273. Walsing. p. 131. Knyghton, p. 2561.

Baliol soon after made himself master of Perth; but still was not able to bring over any of the Scots to his party. Patric Dunbar, earl of Marche, and Sir Archibald Douglas, brother to the lord of that name, appeared at the head of the Scottish armies, which amounted still to near forty thousand men; and they purposed to reduce Baliol and the English by famine. They

blockaded Perth by land; they collected some vessels with which they invested it by water; but Baliol's ships, attacking the Scottish fleet, gained a complete victory, and opened the communication between Perth and the sea.<sup>25</sup> The Scotch armies were then obliged to disband for want of pay and subsistence: the nation was in effect subdued by a handful of men: each nobleman who found himself most exposed to danger, successively submitted to Baliol: that prince was crowned at Scone: David, his competitor, was sent over to France with his betrothed wife Jane, sister to Edward: and the heads of his party sued to Baliol for a truce, which he granted them, in order to assemble a parliament in tranquillity, and have his title recognized by the whole Scottish nation.

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<sup>25</sup> Heming p. 273. Knyghton, p. 2561.

But Baliol's imprudence, or his necessities, making him dismiss the greater part of his English followers, he was, notwithstanding the truce, attacked of a sudden near Annan, by Sir Archibald Douglas and other chieftains of that party; he was routed; his brother, John Baliol, was slain; he himself was chased into England in a miserable condition; and thus lost his kingdom by a revolution as sudden as that by which he had acquired it.

While Baliol enjoyed his short-lived and precarious royalty, he had been sensible that, without the protection of England, it would be impossible for him to maintain possession of the throne; and he had secretly sent a message to Edward, offering to acknowledge his superiority, to renew the homage for his crown, and to espouse the princess Jane, if the pope's consent could be obtained for dissolving her former marriage, which was not yet consummated. Edward, ambitious of recovering that important concession, made by Mortimer during his minority, threw off all scruples, and willingly accepted the offer; but as the dethroning of Baliol had rendered this stipulation of no effect, the king prepared to reinstate him in possession of the crown; an enterprise which appeared from late experience so easy and so little hazardous. As he possessed many popular arts, he consulted his parliament on the occasion; but that assembly, finding the resolution already taken, declined giving any opinion, and only granted him, in order to support the enterprise, an aid of a fifteenth from

the personal estates of the nobility and gentry, and a tenth of the movables of boroughs. And they added a petition, that the king would thenceforth live on his own revenue, without grieving his subjects by illegal taxes, or by the outrageous seizure of their goods in the shape of purveyance.<sup>26</sup>

As the Scots expected that the chief brunt of the war would fall upon Berwick, Douglas, the regent, threw a strong garrison into that place, under the command of Sir William Keith, and he himself assembled a great army on the frontiers, ready to penetrate into England as soon as Edward should have invested that place. The English army was less numerous, but better supplied with arms and provisions, and retained in stricter discipline; and the king, notwithstanding the valiant defence made by Keith, had in two months reduced the garrison to extremities, and had obliged them to capitulate: they engaged to surrender, if they were not relieved within a few days by their countrymen.<sup>27</sup> This intelligence being conveyed to the Scottish army, which was preparing to invade Northumberland, changed their plan of operations, and engaged them to advance towards Berwick, and attempt the relief of that important fortress. Douglas, who had ever purposed to decline a pitched battle, in which he was sensible of the enemy's superiority, and who intended to have drawn out the war by small skirmishes, and by mutually ravaging each other's country, was forced, by the impatience of his troops, to put the fate of the kingdom upon the event of one day. He attacked the English at Halidown Hill, a little north of Berwick; and though his heavy-armed cavalry dismounted, in order to render the action more steady and desperate, they were received with such valor by Edward, and were so galled by the English archers, that they were soon thrown into disorder and on the fall of Douglas, their general, were totally routed. The whole army fled in confusion, and the English, but much more the Irish, gave little quarter in the pursuit: all the nobles of chief distinction were either slain or taken prisoners: near thirty thousand of the Scots fell in the action; while the loss of the English amounted only to one knight, one esquire, and thirteen private soldiers; an inequality almost incredible.<sup>28</sup>

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<sup>26</sup> ..... Cotton's Abridg.

<sup>27</sup> ..... Rymer, vol. iv. p. 564, 565, 566

<sup>28</sup>..... Heming. p. 275, 276, 277. Knyghton, p. 2559. Otterborne, p 115.

After this fatal blow, the Scottish nobles had no other resource than instant submission; and Edward, leaving a considerable body with Baliol to complete the conquest of the kingdom, returned with the remainder of his army to England. Baliol was acknowledged king by a parliament assembled at Edinburgh;<sup>29</sup>..... the superiority of England was again recognized; many of the Scottish nobility swore fealty to Edward; and to complete the misfortunes of that nation, Baliol ceded Berwick, Dunbar, Roxburgh, Edinburgh, and all the south-east counties of Scotland, which were declared to be forever annexed to the English monarchy.<sup>30</sup>.....

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<sup>29</sup>..... Rymer vol. v. p. 590.

<sup>30</sup>..... Rymer, vol. iv. p. 614.

If Baliol on his first appearance was dreaded by the Scots, as an *1334*. instrument employed by England for the subjection of the kingdom, this deed confirmed all their suspicions, and rendered him the object of universal hatred. Whatever submissions they might be obliged to make, they considered him not as their prince, but as the delegate and confederate of their determined enemy: and neither the manners of the age, nor the state of Edward's revenue, permitting him to maintain a standing army in Scotland, the English forces were no sooner withdrawn, than the Scots revolted from Baliol, and returned to their former allegiance under Bruce. Sir Andrew Murray, appointed regent by the party of this latter prince, employed with success his valor and activity in many small but decisive actions against Baliol; and in a short time had almost wholly expelled him the kingdom.

Edward was obliged again to assemble an army, and to march into *1335*. Scotland: the Scots, taught by experience, withdrew into their hills and fastnesses: he destroyed the houses and ravaged the estates of those whom he called rebels: but this confirmed them still further in their obstinate antipathy to England and to Baliol; and being now rendered desperate,

they were ready to take advantage, on the first opportunity, of the retreat of their enemy, and they soon reconquered their country from the English. Edward made anew his appearance in Scotland with like success: he <sup>1336</sup>. found every thing hostile in the kingdom, except the spot on which he was encamped: and though he marched uncontrolled over the low countries, the nation itself was farther than ever from being broken and subdued. Besides being supported by their pride and anger, passions difficult to tame, they were encouraged, amidst all their calamities, by daily promises of relief from France; and as war was now likely to break out between that kingdom and England, they had reason to expect, from this incident, a great diversion of that force which had so long oppressed and overwhelmed them.

We now come to a transaction on which depended the most memorable <sup>1337</sup>. events, not only of this long and active reign, but of the whole English and French history during more than a century; and it will therefore be necessary to give a particular account of the springs and causes of it.

It had long been a prevailing opinion, that the crown of France could never descend to a female; and in order to give more authority to this maxim, and assign it a determinate origin, it had been usual to derive it from a clause in the Salian code, the law of an ancient tribe among the Franks; though that clause, when strictly examined, carries only the appearance of favoring this principle, and does not really, by the confession of the best antiquaries, bear the sense commonly imposed upon it. But though positive law seems wanting among the French for the exclusion of females, the practice had taken place; and the rule was established beyond controversy on some ancient as well as some modern precedents. During the first race of the monarchy, the Franks were so rude and barbarous a people, that they were incapable of submitting to a female reign; and in that period of their history there were frequent instances of kings advanced to royalty, in prejudice of females who were related to the crown by nearer degrees of consanguinity. These precedents, joined to like causes, had also established the male succession in the second race; and though the instances were neither so frequent nor so certain during that period, the principle of excluding the female line seems still to have prevailed, and to have directed the conduct of the nation. During the third

race, the crown had descended from father to son for eleven generations, from Hugh Capet to Lewis Hutin; and thus, in fact, during the course of nine hundred years, the French monarchy had always been governed by males, and no female, and none who founded his title on a female, had ever mounted the throne. Philip the Fair, father of Lewis Hutin, left three sons, this Lewis, Philip the Long, and Charles the Fair, and one daughter, Isabella, queen of England. Lewis Hutin, the eldest, left at his death one daughter, by Margaret, sister to Eudes, duke of Burgundy; and as his queen was then pregnant, Philip, his younger brother, was appointed regent, till it should appear whether the child proved a son or a daughter. The queen bore a male, who lived only a few days: Philip was proclaimed king: and as the duke of Burgundy made some opposition, and asserted the rights of his niece, the states of the kingdom, by a solemn and deliberate decree, gave her an exclusion, and declared all females forever incapable of succeeding to the crown of France. Philip died after a short reign, leaving three daughters; and his brother Charles, without dispute or controversy, then succeeded to the crown. The reign of Charles was also short; he left one daughter; but as his queen was pregnant, the next male heir was appointed regent, with a declared right of succession if the issue should prove female. This prince was Philip de Valois, cousin-german to the deceased king; being the son of Charles de Valois, brother of Philip the Fair. The queen of France was delivered of a daughter: the regency ended; and Philip de Valois was unanimously placed on the throne of France.

The king of England, who was at that time a youth of fifteen years of age, embraced a notion that he was entitled, in right of his mother, to the succession of the kingdom, and that the claim of the nephew was preferable to that of the cousin-german. There could not well be imagined a notion weaker or worse grounded. The principle of excluding females was of old an established opinion in France, and had acquired equal authority with the most express and positive law: it was supported by ancient precedents: it was confirmed by recent instances, solemnly and deliberately decided: and what placed it still farther beyond controversy, if Edward was disposed to question its validity, he thereby cut off his own pretensions; since the three last kings had all left daughters, who were still alive, and who stood before him in the order of succession. He was therefore reduced to assert that, though his mother Isabella was, on

account of her sex, incapable of succeeding, he himself, who inherited through her, was liable to no such objection, and might claim by the right of propinquity. But, besides that this pretension was more favorable to Charles, king of Navarre, descended from the daughter of Lewis Hutin, it was so contrary to the established principles of succession in every country of Europe,<sup>31</sup> was so repugnant to the practice both in private and public inheritances, that nobody in France thought of Edward's claim.

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<sup>31</sup> Froissard, liv. i. chap. 4.

Philip's title was universally recognized;<sup>32</sup> and he never imagined that he had a competitor, much less so formidable a one as the king of England.

But though the youthful and ambitious mind of Edward had rashly entertained this notion, he did not think proper to insist on his pretensions, which must have immediately involved him, on very unequal terms, in a dangerous and implacable war with so powerful a monarch. Philip was a prince of mature years, of great experience, and at that time of an established character both for prudence and valor; and by these circumstances, as well as by the internal union of his people, and their acquiescence in his undoubted right, he possessed every advantage above a raw youth, newly raised, by injustice and violence, to the government of the most intractable and most turbulent subjects in Europe. But there immediately occurred an incident which required that Edward should either openly declare his pretensions, or forever renounce and abjure them. He was summoned to do homage for Guienne: Philip was preparing to compel him by force of arms: that country was in a very bad state of defence: and the forfeiture of so rich an inheritance was, by the feudal law, the immediate consequence of his refusing or declining to perform the duty of a vassal. Edward therefore thought it prudent to submit to present necessity: he went over to Amiens, did homage to Philip, and as there had arisen some controversy concerning the terms of this submission, he afterwards sent over a formal deed, in which he acknowledged that he owed liege homage to France;<sup>33</sup> which was in effect ratifying, and that in the strongest terms, Philip's title to the crown of that kingdom. His own claim indeed was so unreasonable, and so thoroughly disavowed by the



whole French nation, that to insist on it was no better than pretending to the violent conquest of the kingdom; and it is probable that he would never have further thought of it, had it not been for some incidents which excited an animosity between the monarchs.

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<sup>32</sup> Froissard, liv. i. chap. 22.

<sup>33</sup> Rymer, vol. iv. p. 477, 481. Froissard, liv. i. chap. 25. Anon, Hist. p. 394. Walsing. p. 130. Murimuth, p. 73. 195

Robert of Artois was descended from the blood royal of France, was a man of great character and authority, had espoused Philip's sister, and by his birth, talents, and credit was entitled to make the highest figure, and fill the most important offices in the monarchy. This prince had lost the county of Artois, which he claimed as his birthright, by a sentence, commonly deemed iniquitous, of Philip the Fair; and he was seduced to attempt recovering possession by an action so unworthy of his rank and character as a forgery.<sup>34</sup> The detection of this crime covered him with shame and confusion: his brother-in-law not only abandoned him, but prosecuted him with violence: Robert, incapable of bearing disgrace, left the kingdom, and hid himself in the Low Countries: chased from that retreat by the authority of Philip, he came over to England; in spite of the French king's menaces and remonstrances, he was favorably received by Edward; <sup>35</sup> and was soon admitted into the councils and shared the confidence of that monarch. Abandoning himself to all the movements of rage and despair, he endeavored to revive the prepossession entertained by Edward in favor of his title to the crown of France, and even flattered him that it was not impossible for a prince of his valor and abilities to render his claim effectual.

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<sup>34</sup> Froissard, liv. i. chap. 29.

<sup>35</sup> Rymer, vol. iv. p. 747. Froissard, liv. i. chap. 27.

The king was the more disposed to hearken to suggestions of this nature, because he had, in several particulars, found reason to complain of Philip's conduct with regard to Guienne, and because that prince had both given protection to the exiled David Bruce, and supported, at least encouraged, the Scots in their struggles for independence. Thus resentment gradually filled the breasts of both monarchs, and made them incapable of hearkening to any terms of accommodation proposed by the pope, who never ceased interposing his good offices between them. Philip thought that he should be wanting to the first principles of policy if he abandoned Scotland: Edward affirmed that he must relinquish all pretensions to generosity if he withdrew his protection from Robert. The former, informed of some preparations for hostilities which had been made by his rival, issued a sentence of felony and attainder against Robert, and declared that every vassal of the crown, whether within or without the kingdom, who gave countenance to that traitor, would be involved in the same sentence; a menace easy to be understood: the latter, resolute not to yield, endeavored to form alliances in the Low Countries and on the frontiers of Germany, the only places from which he either could make an effectual attack upon France, or produce such a diversion as might save the province of Guienne, which lay so much exposed to the power of Philip.

The king began with opening his intentions to the count of Hainault, his father-in-law; and having engaged him in his interests, he employed the good offices and councils of that prince in drawing into his alliance the other sovereigns of that neighborhood. The duke of Brabant was induced, by his mediation, and by large remittances of money from England, to promise his concurrence;<sup>36</sup> the archbishop of Cologne, the duke of Gueldres, the marquis of Juliers, the count of Namur, the lords of Fauquemont and Baquen, were engaged by like motives to embrace the English alliance.<sup>37</sup> These sovereign princes could supply, either from their own states or from the bordering countries, great numbers of warlike troops; and nought was wanting to make the force on that quarter very formidable but the accession of Flanders; which Edward procured by means somewhat extraordinary and unusual.

As the Flemings were the first people in the northern parts of Europe that cultivated arts and manufactures, the lower ranks of men among them had risen to a degree of opulence unknown elsewhere to those of their station in that barbarous age; had acquired privileges and independence, and began to emerge from that state of vassalage, or rather of slavery, into which the common people had been universally thrown by the feudal institutions. It was probably difficult for them to bring their sovereign and their nobility to conform themselves to the principles of law and civil government, so much neglected in every other country: it was impossible for them to confine themselves within the proper bounds in their opposition and resentment against any instance of tyranny: they had risen in tumults: had insulted the nobles: had chased their earl into France; and delivering themselves over to the guidance of a seditious leader, had been guilty of all that insolence and disorder to which the thoughtless and enraged populace are so much inclined, wherever they are unfortunate enough to be their own masters.<sup>38</sup>

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<sup>36</sup>..... Rymer, vol. iv. p. 777.

<sup>37</sup>..... Froissard, liv. iv. chap. 29, 33, 36.

<sup>38</sup>..... Froissard, liv. i. chap. 30. Meyerus.

Their present leader was James d'Arteville, a brewer in Ghent, who governed them with a more absolute sway than had ever been assumed by any of their lawful sovereigns: he placed and displaced the magistrates at pleasure: he was accompanied by a guard, who, on the least signal from him, instantly assassinated any man that happened to fall under his displeasure: all the cities of Flanders were full of his spies: and it was immediate death to give him the smallest umbrage: the few nobles who remained in the country, lived in continual terror from his violence: he seized the estates of all those whom he had either banished or murdered; and bestowing part on their wives and children, converted the remainder to his own use. Such were the first effects that Europe saw of popular violence, after having groaned, during so many ages, under monarchical and aristocratical tyranny.

James d'Arteville was the man to whom Edward addressed himself for bringing over the Flemings to his interests; and that prince, the most haughty and most aspiring of the age, never courted any ally with so much assiduity and so many submissions as he employed towards this seditious and criminal tradesman. D'Arteville, proud of these advances from the king of England, and sensible that the Flemings were naturally inclined to maintain connections with the English who furnished them the materials of their woollen manufactures, the chief source of their opulence, readily embraced the interests of Edward, and invited him over into the Low Countries. Edward, before he entered on this great enterprise, affected to consult his parliament, asked their advice, and obtained their consent.<sup>39</sup> And the more to strengthen his hands, he procured from them a grant of twenty thousand sacks of wool; which might amount to about a hundred thousand pounds: this commodity was a good instrument to employ with the Flemings; and the price of it with his German allies. He completed the other necessary sums by loans, by pawning the crown jewels, by confiscating or rather robbing at once all the Lombards, who now exercised the invidious trade formerly monopolized by the Jews, of lending on interest;<sup>40</sup> and being attended by a body of English forces, and by several of his nobility, he sailed over to Flanders.

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<sup>39</sup> Froissard, liv. i. chap. 30. \* Cotton's Abridg.

<sup>40</sup> Dugd. Baron, vol. ii. p. 146.

The German princes, in order to justify their unprovoked hostilities <sup>1338</sup> against France, had required the sanction of some legal authority; and Edward, that he might give them satisfaction on this head, had applied to Lewis of Bavaria, then emperor, and had been created by him "vicar of the empire;" an empty title, but which seemed to give him a right of commanding the service of the princes of Germany.<sup>41</sup> The Flemings, who were vassals of France, pretending like scruples with regard to the invasion of their liege lord; Edward, by the advice of d'Arteville, assumed, in his commissions, the title of king of France; and, in virtue of this right,

claimed their assistance for dethroning Philip de Valois, the usurper of his kingdom.<sup>42</sup>

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<sup>41</sup> Froissard, liv. i. chap. 35.

<sup>42</sup> Heming. p. 303. Walsing. p. 143.

This step, which he feared would destroy all future amity between the kingdoms, and beget endless and implacable jealousies in France, was not taken by him without much reluctance and hesitation: and not being in itself very justifiable, it has in the issue been attended with many miseries to both kingdoms. From this period we may date the commencement of that great animosity which the English nation have ever since borne to the French, which has so visible an influence on all future transactions, and which has been, and continues to be, the spring of many rash and precipitate resolutions among them. In all the preceding reigns since the conquest, the hostilities between the two crowns had been only casual and temporary; and as they had never been attended with any bloody or dangerous event, the traces of them were easily obliterated by the first treaty of pacification. The English nobility and gentry valued themselves on their French or Norman extraction: they affected to employ the language of that country in all public transactions, and even in familiar conversation; and both the English court and camp being always full of nobles who came from different provinces of France, the two people were, during some centuries, more intermingled together than any two distinct nations whom we meet with in history. But the fatal pretensions of Edward III. dissolved all these connections, and left the seeds of great animosity in both countries, especially among the English. For it is remarkable, that this latter nation, though they were commonly the aggressors, and by their success and situation were enabled to commit the most cruel injuries on the other, have always retained a stronger tincture of national antipathy; nor is their hatred retaliated on them to an equal degree by the French. That country lies in the middle of Europe, has been successively engaged in hostilities with all its neighbors, the popular prejudices have been

diverted into many channels, and, among a people of softer manners, they never rose to a great height against any particular nation.

Philip made great preparations against the attack from the English, and such as seemed more than sufficient to secure him from the danger. Besides the concurrence of all the nobility in his own populous and warlike kingdom, his foreign alliances were both more cordial and more powerful than those which were formed by his antagonist. The pope, who, at this time, lived in Avignon, was dependent on France; and being disgusted at the connections between Edward and Lewis of Bavaria, whom he had excommunicated, he embraced with zeal and sincerity the cause of the French monarch. The king of Navarre, the duke of Brittany, the count of Bar, were in the same interests; and on the side of Germany, the king of Bohemia, the Palatine, the dukes of Lorraine and Austria, the bishop of Liege, the counts of Deuxpont, Vaudemont, and Geneva. The allies of Edward were in themselves weaker; and having no object but his money, which began to be exhausted, they were slow in their motions and irresolute in their measures.

The duke of Brabant, the most powerful among them, seemed even <sup>1339</sup> inclined to withdraw himself wholly from the alliance; and the king was necessitated both to give the Brabanters new privileges in trade, and to contract his son Edward with the daughter of that prince, ere he could bring him to fulfil his engagements. The summer was wasted in conferences and negotiations before Edward could take the field; and he was obliged, in order to allure his German allies into his measures, to pretend that the first attack should be made upon Cambray, a city of the empire which had been garrisoned by Philip.<sup>43</sup> But finding, upon trial, the difficulty of the enterprise, he conducted them towards the frontiers of France; and he there saw, by a sensible proof, the vanity of his expectations: the count of Namur, and even the count of Hainault, his brother-in-law (for the old count was dead,) refused to commence hostilities against their liege lord, and retired with their troops.<sup>44</sup> So little account did they make of Edward's pretensions to the crown of France!

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<sup>43</sup> Froissard, liv. i. chap. 39. Heming. p. 305.

<sup>44</sup> Froissard, liv. i. chap. 29.

The king, however, entered the enemy's country, and encamped on the fields of Vironfosse, near Capeile, with an army of near fifty thousand men, composed almost entirely of foreigners: Philip approached him with an army of near double the force, composed chiefly of native subjects; and it was daily expected that a battle would ensue. But the English monarch was averse to engage against so great a superiority: the French thought it sufficient if he eluded the attacks of his enemy, without running any unnecessary hazard. The two armies faced each other for some days: mutual defiances were sent: and Edward, at last, retired into Flanders, and disbanded his army.<sup>45</sup>

Such was the fruitless and almost ridiculous conclusion of Edward's mighty preparations; and as his measures were the most prudent that could be embraced in his situation, he might learn from experience in what a hopeless enterprise he was engaged. His expenses, though they had led to no end, had been consuming and destructive; he had contracted near three hundred thousand pounds of debt;<sup>46</sup> he had anticipated all his revenue; he had pawned every thing of value which belonged either to himself or his queen; he was obliged in some measure even to pawn himself to his creditors, by not sailing to England till he obtained their permission, and by promising on his word of honor to return in person, if he did not remit their money.

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<sup>45</sup> Froissard, liv. i. chap. 41, 42, 43. Heming, p. 307. Walsing p. 143.

<sup>46</sup> Cotton's Abridg. p. 17.

But he was a prince of too much spirit to be discouraged by the first difficulties of an undertaking; and he was anxious to retrieve his honor by more successful and more gallant enterprises. For this purpose he had, during the course of the campaign, sent orders to summon a parliament by his son Edward, whom he had left with the title of guardian, and to demand some supply in his urgent necessities. The barons seemed inclined to grant his request; but the knights, who often, at this time, acted as a separate body from the burgesses, made some scruple of taxing their

constituents without their consent; and they desired the guardian to summon a new parliament, which might be properly empowered for that purpose. The situation of the king and parliament was for the time, nearly similar to that which they constantly fell into about the beginning of the last century; and similar consequences began visibly to appear. The king, sensible of the frequent demands which he should be obliged to make on his people, had been anxious to insure to his friends a seat in the house of commons, and at his instigation the sheriffs and other placemen had made interest to be elected into that assembly; an abuse which the knights desired the king to correct by the tenor of his writ of summons, and which was accordingly remedied. On the other hand, the knights had professedly annexed conditions to their intended grant, and required a considerable retrenchment of the royal prerogatives, particularly with regard to purveyance, and the levying of the ancient feudal aids for knighting the king's eldest son, and marrying his eldest daughter. The new parliament, called by the guardian, retained the same free spirit; and though they offered a large supply of thirty thousand sacks of wool, no business was concluded; because the conditions which they annexed appeared too high to be compensated by a temporary concession. But when Edward himself came over to England, he summoned another parliament, and he had the interest to procure a supply on more moderate terms. A confirmation of the two charters, and of the privileges of boroughs, a pardon for old debts and trespasses, and a remedy for some abuses in the execution of common law, were the chief conditions insisted on; and the king, in return for his concessions on these heads, obtained from the barons and knights an unusual grant for two years, of the ninth sheaf, lamb, and fleece on their estates, and from the burgesses a ninth of their movables at their true value. The whole parliament also granted a duty of forty shillings on each sack of wool exported, on each three hundred woolfells, and on each last of leather for the same term of years, but dreading the arbitrary spirit of the crown, they expressly declared, that this grant was to continue no longer, and was not to be drawn into precedent. Being soon after sensible that this supply, though considerable, and very unusual in that age, would come in slowly, and would not answer the king's urgent necessities, proceeding both from his debts and his preparations for war, they agreed that twenty



thousand sacks of wool should immediately be granted him, and their value be deducted from the ninth which were afterwards to be levied.

But there appeared at this time another jealousy in the parliament, which was very reasonable, and was founded on a sentiment that ought to have engaged them rather to check than support the king in all those ambitious projects, so little likely to prove successful, and so dangerous to the nation if they did. Edward, who, before the commencement of the former campaign, had, in several commissions, assumed the title of king of France, now more openly, in all public deeds, gave himself that appellation, and always quartered the arms of France with those of England in his seals and ensigns. The parliament thought proper to obviate the consequences of this measure, and to declare that they owed him no obedience as king of France, and that the two kingdoms must forever remain distinct and independent.<sup>47</sup> They undoubtedly foresaw that France, if subdued, would in the end prove the seat of government; and they deemed this previous protestation necessary, in order to prevent their becoming a province to that monarchy: a frail security if the event had really taken place!

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<sup>47</sup> 14 Edward III.

As Philip was apprised, from the preparations which were making <sup>1340</sup>. both in England and the Low Countries, that he must expect another invasion from Edward, he fitted out a great fleet of four hundred vessels, manned with forty thousand men: and he stationed them off Sluise, with a view of intercepting the king in his passage. The English navy was much inferior in number, consisting only of two hundred and forty sail; but whether it were by the superior abilities of Edward, or the greater dexterity of his seamen, they gained the wind of the enemy, and had the sun in their backs: and with these advantages began the action. The battle was fierce and bloody: the English archers, whose force and address were now much celebrated, galled the French on their approach: and when the ships grappled together, and the contest became more steady and furious, the example of the king, and of so many gallant nobles who accompanied him, animated to such a degree the seamen and soldiery, that they maintained

every where a superiority over the enemy. The French also had been guilty of some imprudence in taking their station so near the coast of Flanders, and choosing that place for the scene of action. The Flemings, desecrating the battle, hurried out of their harbors, and brought a reënforcement to the English; which, coming unexpectedly, had a greater effect than in proportion to its power and numbers. Two hundred and thirty French ships were taken: thirty thousand Frenchmen were killed, with two of their admirals: the loss of the English was inconsiderable, compared to the greatness and importance of the victory.<sup>48</sup> None of Philip's courtiers, it is said, dared to inform him of the event; till his fool or jester gave him a hint, by which he discovered the loss that he had sustained.<sup>49</sup>

The lustre of this great success increased the king's authority among his allies, who assembled their forces with expedition, and joined the English army. Edward marched to the frontiers of France at the head of above one hundred thousand men, consisting chiefly of foreigners, a more numerous army than either before or since has ever been commanded by any king of England.<sup>50</sup> At the same time the Flemings, to the number of fifty thousand men, marched out under the command of Robert of Artois, and laid siege to St. Omer; but this tumultuary army, composed entirely of tradesmen unexperienced in war, was routed by a sally of the garrison, and notwithstanding the abilities of their leader, was thrown into such a panic, that they were instantly dispersed, and never more appeared in the field. The enterprises of Edward, though not attended with so inglorious an issue, proved equally vain and fruitless. The king of France had assembled an army more numerous than the English; was accompanied by all the chief nobility of his kingdom; was attended by many foreign princes, and even by three monarchs, the kings of Bohemia, Scotland, and Navarre:<sup>51</sup> yet he still adhered to the prudent resolution of putting nothing to hazard; and after throwing strong garrisons into all the frontier towns, he retired backwards, persuaded that the enemy, having wasted their force in some tedious and unsuccessful enterprise, would afford him an easy victory.

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<sup>48</sup> Froissard, liv. i. chap. 51. Avesbury, p. 56. Heming. p. 321.

<sup>49</sup> Walsing. p. 148.

<sup>50</sup> Rymer, vol. v. p. 197

<sup>51</sup> Froissard, liv. i. chap. 57.

Tournay was at that time one of the most considerable cities of Flanders, containing above sixty thousand inhabitants of all ages, who were affectionate to the French government: and as the secret of Edward's designs had not been strictly kept, Philip learned that the English, in order to gratify their Flemish allies, had intended to open the campaign with the siege of this place: he took care therefore to supply it with a garrison of fourteen thousand men, commanded by the bravest nobility of France; and he reasonably expected that these forces, joined to the inhabitants, would be able to defend the city against all the efforts of the enemy. Accordingly Edward, when he commenced the siege about the end of July found every where an obstinate resistance: the valor of one side was encountered with equal valor by the other: every assault was repulsed, and proved unsuccessful: and the king was at last obliged to turn the siege into a blockade, in hopes that the great numbers of the garrison and citizens, which had enabled them to defend themselves against his attacks, would but expose them to be the more easily reduced by famine.<sup>52</sup> The count of Eu, who commanded in Tournay, as soon as he perceived that the English had formed this plan of operations endeavored to save his provisions by expelling all the useless mouths; and the duke of Brabant, who wished no success to Edward's enterprises, gave every one a free passage through his quarters.

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<sup>52</sup> Froissard, liv. i. chap. 54.

After the siege had continued ten weeks, the city was reduced to distress; and Philip, recalling all his scattered garrisons, advanced towards the English camp at the head of a mighty army, with an intention of still avoiding any decisive action, but of seeking some opportunity for throwing relief into the place. Here Edward, irritated with the small progress he had hitherto made, and with the disagreeable prospect that lay before him, sent Philip a defiance by a herald and challenged him to decide their claims for the crown of France either by single combat, or by an action of a

hundred against a hundred, or by a general engagement. But Philip replied, that Edward having done homage to him for the duchy of Guienne, and having solemnly acknowledged him for his superior, it by no means became him to send a defiance to his liege lord and sovereign: that he was confident, notwithstanding all Edward's preparations, and his conjunction with the rebellious Flemings, he himself should soon be able to chase him from the frontiers of France: that as the hostilities from England had prevented him from executing his purposed crusade against the infidels, he trusted in the assistance of the Almighty, who would reward his pious intentions, and punish the aggressor, whose ill-grounded claims had rendered them abortive: that Edward proposed a duel on very unequal terms, and offered to hazard only his own person against both the kingdom of France and the person of the king: but that, if he would increase the stake, and put also the kingdom of England on the issue of the duel, he would, notwithstanding that the terms would still be unequal, very willingly accept of the challenge.<sup>53</sup> It was easy to see that these mutual bravadoes were intended only to dazzle the populace, and that the two kings were too wise to think of executing their pretended purpose.

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<sup>53</sup> Du Tillet, Recueil de Traités, etc. Heming. p. 325, 326. Walsing, p. 149.

While the French and English armies lay in this situation, and a general action was every day expected, Jane, countess dowager of Hainault, interposed with her good offices, and endeavored to conciliate peace between the contending monarchs, and to prevent any further effusion of blood. This princess was mother-in-law to Edward, and sister to Philip; and though she had taken the vows in a convent, and had renounced the world, she left her retreat on this occasion, and employed all her pious efforts to allay those animosities which had taken place between persons so nearly related to her and to each other. As Philip had no material claims on his antagonist, she found that he hearkened willingly to the proposals; and even the haughty and ambitious Edward, convinced of his fruitless attempt, was not averse to her negotiation. He was sensible, from experience, that he had engaged in an enterprise which far exceeded his force; and that the power of England was never likely to prevail over that

of a superior kingdom, firmly united under an able and prudent monarch. He discovered that all the allies whom he could gain by negotiation were at bottom averse to his enterprise; and though they might second it to a certain length, would immediately detach themselves, and oppose its final accomplishment, if ever they could be brought to think that there was seriously any danger of it. He even saw that their chief purpose was to obtain money from him; and as his supplies from England came in very slowly, and had much disappointed his expectations, he perceived their growing indifference in his cause, and their desire of embracing all plausible terms of accommodation. Convinced at last that an undertaking must be imprudent which could only be supported by means so unequal to the end, he concluded a truce, which left both parties in possession of their present acquisitions, and stopped all further hostilities on the side of the Low Countries, Guienne, and Scotland, till midsummer next.<sup>54</sup> A negotiation was soon after opened at Arras, under the mediation of the pope's legates; and the truce was attempted to be converted into a solid peace. Edward here required that Philip should free Guienne from all claims of superiority, and entirely withdraw his protection from Scotland: but as he seemed not anywise entitled to make such high demands, either from his past successes or future prospects, they were totally rejected by Philip, who agreed only to a prolongation of the truce.

The king of France soon after detached the emperor Lewis from the alliance of England, and engaged him to revoke the title of imperial vicar, which he had conferred on Edward.<sup>55</sup> The king's other allies on the frontiers of France, disappointed in their hopes, gradually withdrew from the confederacy. And Edward himself, harassed by his numerous and importunate creditors, was obliged to make his escape by stealth into England.

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<sup>54</sup> Froissard, liv. i. chap. 64. Avesbury, p. 65.

<sup>55</sup> Heming, p. 352. Ypod. Neust. p. 514. Knyghton, p. 2580.

The unusual tax of a ninth sheaf, lamb, and fleece, imposed by parliament, together with the great want of money, and still more, of credit in England,

had rendered the remittances to Flanders extremely backward; nor could it be expected, that any expeditious method of collecting an imposition, which was so new in itself, and which yielded only a gradual produce, could possibly be contrived by the king or his ministers. And though the parliament, foreseeing the inconvenience, had granted, as a present resource, twenty thousand sacks of wool, the only English goods that bore a sure price in foreign markets, and were the next to ready money, it was impossible but the getting possession of such a bulky commodity, the gathering of it from different parts of the kingdom, and the disposing of it abroad, must take up more time than the urgency of the king's affairs would permit, and must occasion all the disappointments complained of during the course of the campaign. But though nothing had happened which Edward might not reasonably have foreseen, he was so irritated with the unfortunate issue of his military operations, and so much vexed and affronted by his foreign creditors, that he was determined to throw the blame somewhere off himself and he came in very bad humor into England. He discovered his peevish disposition by the first act which he performed after his arrival: as he landed unexpectedly, he found the Tower negligently guarded; and he immediately committed to prison the constable and all others who had the charge of that fortress, and he treated them with unusual rigor.<sup>56</sup> His vengeance fell next on the officers of the revenue, the sheriffs, the collectors of the taxes, the undertakers of all kinds; and besides dismissing all of them from their employments, he appointed commissioners to inquire into their conduct; and these men, in order to gratify the king's humor, were sure not to find any person innocent who came before them.<sup>57</sup> Sir John St. Paul, keeper of the privy seal, Sir John Stonore, chief justice, Andrew Aubrey, mayor of London, were displaced and imprisoned; as were also the bishop of Chichester, chancellor, and the bishop of Lichfield, treasurer; Stratford, archbishop of Canterbury, to whom the charge of collecting the new taxes had been chiefly intrusted, fell likewise under the king's displeasure; but being absent at the time of Edward's arrival, he escaped feeling the immediate effects of it.

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<sup>56</sup> Ypod. Neust. p. 513.

There were strong reasons, which might discourage the kings of England, in those ages, from bestowing the chief offices of the crown on prelates and other ecclesiastical persons. These men had so intrenched themselves in privileges and immunities, and so openly challenged an exemption from all secular jurisdiction, that no civil penalty could be inflicted on them for any malversation in office; and as even treason itself was declared to be no canonical offence, nor was allowed to be a sufficient reason for deprivation or other spiritual censures, that order of men had insured to themselves an almost total impunity, and were not bound by any political law or statute. But, on the other hand, there were many peculiar causes which favored their promotion. Besides that they possessed almost all the learning of the age, and were best qualified for civil employments, the prelates enjoyed equal dignity with the greatest barons, and gave weight by their personal authority, to the powers intrusted with them; while, at the same time, they did not endanger the crown by accumulating wealth or influence in their families, and were restrained, by the decency of their character, from that open rapine and violence so often practised by the nobles. These motives had induced Edward, as well as many of his predecessors, to intrust the chief departments of government in the hands of ecclesiastics; at the hazard of seeing them disown his authority as soon as it was turned against them.

This was the case with Archbishop Stratford. That prelate, informed of <sup>1341</sup>. Edward's indignation against him prepared himself for the storm; and not content with standing upon the defensive, he resolved, by beginning the attack, to show the king that he knew the privileges of his character, and had courage to maintain them. He issued a general sentence of excommunication against all who, on any pretext, exercised violence on the person or goods of clergymen; who infringed those privileges secured by the Great Charter, and by ecclesiastical canons; or who accused a prelate of treason or any other crime, in order to bring him under the king's displeasure.<sup>58</sup>.....

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<sup>58</sup>..... Heming\* p. 339. Ang\* Sacra, vol. i. p. 21, 22. Walsing. p. 153.

Even Edward had reason to think himself struck at by this sentence; both on account of the imprisonment of the two bishops and that of other clergymen concerned in levying the taxes, and on account of his seizing their lands and movables, that he might make them answerable for any balance which remained in their hands. The clergy, with the primate at their head, were now formed into a regular combination against the king; and many calumnies were spread against him, in order to deprive him of the confidence and affections of his people. It was pretended that he meant to recall the general pardon, and the remission which he had granted of old debts, and to impose new and arbitrary taxes without consent of parliament. The archbishop went so far, in a letter to the king himself, as to tell him, that there were two powers by which the world was governed, the holy pontifical apostolic dignity, and the royal subordinate authority: that of these two powers, the clerical was evidently the supreme; since the priests were to answer, at the tribunal of the divine judgment, for the conduct of kings themselves: that the clergy were the spiritual fathers of all the faithful, and amongst others of kings and princes; and were entitled, by a heavenly charter, to direct their wills and actions, and to censure their transgressions: and that prelates had hitherto cited emperors before their tribunal, had sitten in judgment on their life and behavior, and had anathematized them for their obstinate offences.<sup>59</sup> These topics were not well calculated to appease Edward's indignation; and when he called a parliament, he sent not to the primate, as to the other peers, a summons to attend it. Stratford was not discouraged at this mark of neglect or anger: he appeared before the gates, arrayed in his pontifical robes, holding the crosier in his hand and accompanied by a pompous train of priests and prelates; and he required admittance as the first and highest peer in the realm. During two days the king rejected his application: but sensible, either that this affair might be attended with dangerous consequences, or that in his impatience he had groundlessly accused the primate of malversation in his office, which seems really to have been the case, he at last permitted him to take his seat, and was reconciled to him.<sup>60</sup>

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<sup>59</sup> Ang. Sacra, vol i. p. 27.



Edward now found himself in a bad situation, both with his own people and with foreign states; and it required all his genius and capacity to extricate himself from such multiplied difficulties and embarrassments. His unjust and exorbitant claims on France and Scotland had engaged him in an implacable war with those two kingdoms, his nearest neighbors: he had lost almost all his foreign alliances by his irregular payments: he was deeply involved in debts, for which he owed a consuming interest: his military operations had vanished into smoke; and, except his naval victory, none of them had been attended even with glory or renown, either to himself or to the nation: the animosity between him and the clergy was open and declared: the people were discontented on account of many arbitrary measures, in which he had been engaged, and what was more dangerous, the nobility, taking advantage of his present necessities, were determined to retrench his power, and by encroaching on the ancient prerogatives of the crown, to acquire to themselves independence and authority. But the aspiring genius of Edward, which had so far transported him beyond the bounds of discretion, proved at last sufficient to reinstate him in his former authority, and finally to render his reign the most triumphant that is to be met with in English story; though for the present he was obliged, with some loss of honor, to yield to the current which bore so strongly against him.

The parliament framed an act which was likely to produce considerable innovations in the government. They premised, that, whereas the Great Charter had, to the manifest peril and slander of the king and damage of his people, been violated in many points, particularly by the imprisonment of freemen and the seizure of their goods, without suit, indictment, or trial, it was necessary to confirm it anew, and to oblige all the chief officers of the law, together with the steward and chamberlain of the household, the keeper of the privy seal, the controller and treasurer of the wardrobe, and those who were intrusted with the education of the young prince, to swear to the regular observance of it. They also remarked, that the peers of the realm had formerly been arrested and imprisoned, and dispossessed of their temporalities and lands, and even some of them

put to death, without judgment or trial; and they therefore enacted that such violences should henceforth cease, and no peer be punished but by the award of his peers “in parliament.” They required, that, whenever any of the great offices above mentioned became vacant, the king should fill it by the advice of his council, and the consent of such barons as should at that time be found to reside in the neighborhood of the court. And they enacted, that, on the third day of every session, the king should resume into his own hand all these offices, except those of justices of the two benches and the barons of exchequer; that the ministers should for the time be reduced to private persons; that they should in that condition answer before parliament to any accusation brought against them; and that if they were found anywise guilty, they should finally be dispossessed of their offices, and more able persons be substituted in their place.<sup>61</sup> By these last regulations, the barons approached as near as they durst to those restrictions which had formerly been imposed on Henry III. and Edward II., and which, from the dangerous consequences attending them, had become so generally odious, that they did not expect to have either the concurrence of the people in demanding them, or the assent of the present king in granting them.

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<sup>61</sup> 15 Edward III.

In return for these important concessions, the parliament offered the king a grant of twenty thousand sacks of wool; and his wants were so urgent from the clamors of his creditors and the demands of his foreign allies, that he was obliged to accept of the supply on these hard conditions. He ratified this statute in full parliament: but he secretly entered a protest of such a nature as was sufficient, one should imagine to destroy all future trust and confidence with his people; he declared that, as soon as his convenience permitted, he would, from his own authority, revoke what had been extorted from him.<sup>62</sup> Accordingly he was no sooner possessed of the parliamentary supply, than he issued an edict, which contains many extraordinary positions and pretensions. He first asserts, that that statute had been enacted contrary to law, as if a free legislative body could ever do any thing illegal. He next affirms, that as it was hurtful to the prerogatives

of the crown, which he had sworn to defend, he had only dissembled when he seemed to ratify it, but that he had never in his own breast given his assent to it. He does not pretend that either he or the parliament lay under force; but only that some inconvenience would have ensued, had he not seemingly affixed his sanction to that pretended statute. He therefore, with the advice of his council and of some earls and barons, abrogates and annuls it; and though he professes himself willing and determined to observe such articles of it as were formerly law, he declares it to have thenceforth no force or authority.<sup>63</sup> The parliaments that were afterwards assembled took no notice of this arbitrary exertion of royal power, which, by a parity of reason, left all their laws at the mercy of the king; and, during the course of two years, Edward had so far reëstablished his influence, and freed himself from his present necessities, that he then obtained from his parliament a legal repeal of the obnoxious statute.<sup>64</sup> This transaction certainly contains remarkable circumstances, which discover the manners and sentiments of the age; and may prove what inaccurate work might be expected from such rude hands, when employed in legislation, and in rearing the delicate fabric of laws and a constitution.

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<sup>62</sup> Statutes at large, 15 Edward III. That this protest of the king's was secret appears evidently, since otherwise it would have been ridiculous in the parliament to have accepted of his assent: besides, the king owns that he dissembled, which would not have been the ease had his protest been public.

<sup>63</sup> Statutes at large, 15 Edward III.

<sup>64</sup> Cotton's Abridg. p. 38, 39. and saw so little prospect of success, that he would probably have dropped his claim, had not a revolution in Brittany opened to him more promising views, and given his enterprising genius a full opportunity of displaying itself.

But though Edward had happily recovered his authority at home, which had been impaired by the events of the French war, he had undergone so many mortifications from that attempt.

John III., duke of Brittany, had, during some years, found himself declining through age and infirmities; and having no issue, he was

solicitous to prevent those disorders to which, on the event of his demise, a disputed succession might expose his subjects. His younger brother, the count of Penthiév had left only one daughter, whom the duke deemed his heir; and as his family had inherited the duchy by a female succession, he thought her title preferable to that of the count of Mountfort, who, being his brother by a second marriage, was the male heir of that principality.<sup>65</sup> He accordingly purposed to bestow his niece in marriage on some person who might be able to defend her rights; and he cast his eye on Charles of Blois, nephew of the king of France, by his mother, Margaret of Valois, sister to that monarch. But as he both loved his subjects and was beloved by them, he determined not to take this important step without their approbation; and having assembled the states of Brittany, he represented to them the advantages of that alliance, and the prospect which it gave of an entire settlement of the succession. The Bretons willingly concurred in his choice: the marriage was concluded: all his vassals, and among the rest the count of Mountfort, swore fealty to Charles and to his consort, as to their future sovereigns; and every danger of civil commotions seemed to be obviated, as far as human prudence could provide a remedy against them.

But on the death of this good prince, the ambition of the count of Mountfort broke through all these regulations, and kindled a war, not only dangerous to Brittany, but to a great part of Europe. While Charles of Blois was soliciting at the court of France the investiture of the duchy, Mountfort was active in acquiring immediate possession of it; and by force or intrigue he made himself master of Rennes, Nantz, Brest Hennebonne, and all the most important fortresses, and engaged many considerable barons to acknowledge his authority.<sup>66</sup> Sensible that he could expect no favor from Philip, he made a voyage to England, on pretence of soliciting his claim to the earldom of Richmond, which had devolved to him by his brother's death; and there, offering to do homage to Edward, as king of France, for the duchy of Brittany, he proposed a strict alliance for the support of their mutual pretensions.

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<sup>65</sup> Froissard, liv. i. chap. 64.

<sup>66</sup> Froissard, liv. i. chap. 65, 66, 67, 68.

Edward saw immediately the advantages attending this treaty: Mountfort, an active and valiant prince, closely united to him by interest, opened at once an entrance into the heart of France, and afforded him much more flattering views than his allies on the side of Germany and the Low Countries, who had no sincere attachment to his cause, and whose progress was also obstructed by those numerous fortifications which had been raised on that frontier. Robert of Artois was zealous in enforcing these considerations: the ambitious spirit of Edward was little disposed to sit down under those repulses which he had received, and which he thought had so much impaired his reputation; and it required a very short negotiation to conclude a treaty of alliance between two men, who, though their pleas with regard to the preference of male or female succession were directly opposite, were intimately connected by their immediate interests.<sup>67</sup>.....

As this treaty was still a secret, Mountfort, on his return, ventured to appear at Paris, in order to defend his cause before the court of peers; but observing Philip and his judges to be prepossessed against his title, and dreading their intentions of arresting him, till he should restore what he had seized by violence, he suddenly made his escape; and war immediately commenced between him and Charles of Blois.<sup>68</sup>..... Philip sent his eldest son, the duke of Normandy, with a powerful army, to the assistance of the latter; and Mountfort, unable to keep the field against his rival, remained in the city of Nantz, where he was besieged. The city was taken by the treachery of the inhabitants; Mountfort fell into the hands of his enemies, was conducted as a prisoner to Paris, and was shut up in the tower of the Louvre.<sup>69</sup>.....

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<sup>67</sup>..... Froissard, liv. i. chap. 69.

<sup>68</sup>..... Froissard, liv. i. chap. 70, 71.

<sup>69</sup>..... Froissard, liv. i. chap 73.

This event seemed to put an end to the pretensions of the count of <sup>1342</sup>. Mountfort; but his affairs were immediately retrieved by an unexpected incident, which inspired new life and vigor into his party. Jane of Flanders,

countess of Mountfort, the most extraordinary woman of the age, was roused, by the captivity of her husband, from those domestic cares to which she had hitherto limited her genius; and she courageously undertook to support the falling fortunes of her family. No sooner did she receive the fatal intelligence, than she assembled the inhabitants of Rennes, where she then resided; and carrying her infant son in her arms, deplored to them the calamity of their sovereign. She recommended to their care the illustrious orphan, the sole male remaining of their ancient princes, who had governed them with such indulgence and lenity, and to whom they had ever professed the most zealous attachment. She declared herself willing to run all hazards with them in so just a cause; discovered the resources which still remained in the alliance of England; and entreated them to make one effort against a usurper, who, being imposed on them by the arms of France, would in return make a sacrifice to his protector of the ancient liberties of Brittany. The audience, moved by the affecting appearance, and inspirited by the noble conduct of the princess, vowed to live and die with her in defending the rights of her family: all the other fortresses of Brittany embraced the same resolution: the countess went from place to place encouraging the garrisons, providing them with every thing necessary for subsistence, and concerting the proper plans of defence; and after she had put the whole province in a good posture, she shut herself up in Hennebonne, where she waited with impatience the arrival of those succors which Edward had promised her. Meanwhile she sent over her son to England, that she might both put him in a place of safety, and engage the king more strongly, by such a pledge, to embrace with zeal the interests of her family.

Charles of Blois, anxious to make himself master of so important a fortress as Hennebonne, and still more to take the countess prisoner, from whose vigor and capacity all the difficulties to his succession in Brittany now proceeded, sat down before the place with a great army, composed of French, Spaniards, Genoese, and some Bretons; and he conducted the attack with indefatigable industry.<sup>70</sup>

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<sup>70</sup> Froissard, liv. i. chap. 81.

The defence was no less vigorous: the besiegers were repulsed in every assault: frequent sallies were made with success by the garrison; and the countess herself being the most forward in all military operations, every one was ashamed not to exert himself to the utmost in this desperate situation. One day, she perceived that the besiegers, entirely occupied in an attack, had neglected a distant quarter of their camp; and she immediately sallied forth at the head of a body of two hundred cavalry, threw them into confusion, did great execution upon them, and set fire to their tents, baggage, and magazines; but when she was preparing to return, she found that she was intercepted, and that a considerable body of the enemy had thrown themselves between her and the gates. She instantly took her resolution; she ordered her men to disband, and to make the best of their way by flight to Brest; she met them at the appointed place of rendezvous, collected another body of five hundred horse, returned to Hennebonne, broke unexpectedly through the enemy's camp, and was received with shouts and acclamations by the garrison, who, encouraged by this reënforcement, and by so rare an example of female valor, determined to defend themselves to the last extremity.

The reiterated attacks, however, of the besiegers had at length made several breaches in the walls; and it was apprehended that a general assault, which was every hour expected would overpower the garrison, diminished in numbers, and extremely weakened with watching and fatigue. It became necessary to treat of a capitulation; and the bishop of Leon was already engaged, for that purpose, in a conference with Charles of Blois, when the countess, who had mounted to a high tower, and was looking towards the sea with great impatience, descried some sails at a distance. She immediately exclaimed, "Behold the succors! the English succors! No capitulation!"<sup>71</sup> This fleet had on board a body of heavy-armed cavalry, and six thousand archers, whom Edward had prepared for the relief of Hennebonne, but who had been long detained by contrary winds. They entered the harbor under the command of Sir Walter Manny, one of the bravest captains of England: and having inspired fresh courage into the garrison, immediately sallied forth, beat the besiegers from all their posts, and obliged them to decamp.

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<sup>71</sup>..... Froissard, liv. i. chap. 81.

But notwithstanding this success, the countess of Mountfort found that her party, overpowered by numbers, was declining in every quarter; and she went over to solicit more effectual succors from the king of England. Edward granted her a considerable reënforcement under Robert of Artois, who embarked on board a fleet of forty-five ships, and sailed to Brittany. He was met in his passage by the enemy; an action ensued, where the countess behaved with her wonted valor, and charged the enemy sword in hand; but the hostile fleets, after a sharp action, were separated by a storm, and the English arrived safely in Brittany. The first exploit of Robert was the taking of Vannes, which he mastered by conduct and address;<sup>72</sup>..... but he survived a very little time this prosperity. The Breton noblemen of the party of Charles assembled secretly in arms, attacked Vannes of a sudden, and carried the place; chiefly by reason of a wound received by Robert, of which he soon after died at sea, on his return to England.<sup>73</sup>.....

After the death of this unfortunate prince, the chief author of all the calamities with which his country was overwhelmed for more than a century, Edward undertook in person the defence of the countess of Mountfort; and as the last truce with France was now expired, the war, which the English and French had hitherto carried on as allies to the competitors for Brittany, was thenceforth conducted in the name and under the standard of the two monarchs. The king landed at Morbian, near Vannes, with an army of twelve thousand men; and being master of the field, he endeavored to give a lustre to his arms, by commencing at once three important sieges, that of Vannes, of Rennes, and of Nantz. But by undertaking too much, he failed of success in all his enterprises. Even the siege of Vannes, which Edward in person conducted with vigor, advanced but slowly;<sup>74</sup>..... and the French had all the leisure requisite for making preparations against him.

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<sup>72</sup>..... Froissard, liv. i. chap. 93

<sup>73</sup>..... Froissard, liv. i. chap. 94



The duke of Normandy, eldest son of Philip, appeared in Brittany at the head of an army of thirty thousand infantry and four thousand cavalry; and Edward was now obliged to draw together all his forces, and to intrench himself strongly before Vannes, where the duke of Normandy soon after arrived, and in a manner invested the besiegers. The garrison and the French camp were plentifully supplied with provisions; while the English, who durst not make any attempt upon the place in the presence of a superior army, drew all their subsistence from England, exposed to the hazards of the sea, and sometimes to those which arose from the fleet of the enemy.

In this dangerous situation, Edward willingly hearkened to the <sup>1243</sup> mediation of the pope's legates, the cardinals of Palestrine and Frescati, who endeavored to negotiate, if not a peace, at east a truce, between the two kingdoms. A treaty was concluded for a cessation of arms during three years;<sup>75</sup> and Edward had the abilities, notwithstanding his present dangerous situation, to procure to himself very equal and honorable terms, It was agreed that Vannes should be sequestered, during the truce, in the hands of the legates, to be disposed of afterwards as they pleased; and though Edward knew the partiality of the court of Rome towards his antagonists, he saved himself by this device from the dishonor of having undertaken a fruitless enterprise. It was also stipulated, that all prisoners should be released, that the places in Brittany should remain in the hands of the present possessors, and that the allies on both sides should be comprehended in the truce.<sup>76</sup> Edward, soon after concluding this treaty, embarked with his army for England.

The truce, though calculated for a long time, was of very short duration; and each monarch endeavored to throw on the other the blame of its infraction. Of course the historians of the two countries differ in their account of the matter. It seems probable, however, as is affirmed by the French writers, that Edward, in consenting to the truce, had no other view than to extricate himself from a perilous situation into which he had fallen, and was afterwards very careless in observing it. In all the memorials which remain on this subject, he complains chiefly of the punishment

inflicted on Oliver de Clisson, John de Montauban, and other Breton noblemen, who, he says, were partisans of the family of Mountfort, and consequently under the protection of England.<sup>77</sup> But it appears that, at the conclusion of the truce, those noblemen had openly, by their declarations and actions, embraced the cause of Charles of Blois;<sup>78</sup> and if they had entered into any secret correspondence and engagements with Edward, they were traitors to their party, and were justly punishable by Philip and Charles for their breach of faith; nor had Edward any ground of complaint against France for such severities.

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<sup>75</sup> Froissard, liv. i. chap. 99. Avesbury, p. 102.

<sup>76</sup> Heming. p. 359.

<sup>77</sup> Rymer. vol. v. p. 453, 454, 459, 466, 496. Heming. 376.

<sup>78</sup> Froissard, liv. i. chap. 96, p. 100.

But when he laid these pretended injuries before the parliament, <sup>1344</sup> whom he affected to consult on all occasions, that assembly entered into the quarrel, advised the king not to be amused by a fraudulent truce, and granted him supplies for the renewal of the war: the counties were charged with a fifteenth for two years, and the boroughs with a tenth. The clergy consented to give a tenth for three years.

These supplies enabled the king to complete his military preparations; and he sent his cousin, Henry, earl of Derby, son of the earl of Lancaster, into Guienne, for the defence of that province.<sup>79</sup> This prince, the most accomplished in the English court, possessed to a high degree the virtues of justice and humanity, as well as those of valor and conduct;<sup>80</sup> and not content with protecting and cherishing the province committed to his care, he made a successful invasion on the enemy. He attacked the count of Lisle, the French general, at Bergerac, beat him from his intrenchments, and took the place. He reduced a great part of Perigord, and continually advanced in his conquests, till the count of Lisle, having collected an army of ten or twelve thousand men, sat down before Auberoche, in hopes of recovering that place, which had fallen into the hands of the English.

The earl of Derby came upon him by surprise with only a thousand cavalry, threw the French into disorder, pushed his advantage, and obtained a complete victory. Lisle himself, with many considerable nobles, was taken prisoner.<sup>81</sup> After this important success, Derby made a rapid progress in subduing the French provinces. He took Monsegur, Monpesat, Villefranche, Miremont, and Tonnins, with the fortress of Damassen. Aiguillon, a fortress deemed impregnable, fell into his hands from the cowardice of the governor. Angouleme was surrendered after a short siege. The only place where he met with considerable resistance, was Reole, which, however, was at last reduced, after a siege of above nine weeks.<sup>82</sup> He made an attempt on Blaye, but thought it more prudent to raise the siege than waste his time before a place of small importance.<sup>83</sup>

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<sup>79</sup> Froissart, liv. i. chap. 103. Avesbury, p. 121.

<sup>80</sup> It is reported of this prince, that having once, before the attack of a town, promised the soldiers the plunder, one private man happened to fall upon a great chest full of money, which he immediately brought to the earl as thinking it too great for himself to keep possession of it. But Derby told him, that his promise did not depend on the greatness or smallness of the sum; and ordered him to keep it all for his own use.

<sup>81</sup> Froissard, liv. i. chap. 104.

<sup>82</sup> Froissard, liv. i. chap. 110.

The reason why Derby was permitted to make, without opposition, <sup>1346</sup> such progress on the side of Guienne, was the difficulties under which the French finances then labored, and which had obliged Philip to lay on new impositions, particularly the duty on salt, to the great discontent, and almost mutiny, of his subjects. But after the court of France was supplied with money, great preparations were made: and the duke of Normandy, attended by the duke of Burgundy and other great nobility, led towards Guienne a powerful army, which the English could not think of resisting in the open field. The earl of Derby stood on the defensive, and allowed the French to carry on at leisure the siege of Angouleme, which was their first enterprise. John Lord Norwich, the governor, after a brave and vigorous defence, found himself reduced to such extremities as obliged him to

employ a stratagem, in order to save his garrison, and to prevent his being reduced to surrender at discretion. He appeared on the walls, and desired a parley with the duke of Normandy. The prince there told Norwich, that he supposed he intended to capitulate. "Not at all," replied the governor: "but as to-morrow is the feast of the Virgin, to whom I know that you, sir, as well as myself, bear a great devotion, I desire a cessation of arms for that day." The proposal was agreed to; and Norwich, having ordered his forces to prepare all their baggage, marched out next day, and advanced towards the French camp. The besiegers, imagining they were to be attacked, ran to their arms; but Norwich sent a messenger to the duke, reminding him of his engagement. The duke, who piqued himself on faithfully keeping his word exclaimed, "I see the governor has outwitted me: but let us be content with gaining the place." And the English were allowed to pass through the camp unmolested.<sup>84</sup> After some other successes, the duke of Normandy laid siege to Aiguillon; and as the natural strength of the fortress, together with a brave garrison under the command of the earl of Pembroke and Sir Walter Manny, rendered it impossible to take the place by assault, he purposed, after making several fruitless attacks,<sup>85</sup> to reduce it by famine: but before he could finish this enterprise, he was called to another quarter of the kingdom by one of the greatest disasters that ever befell the French monarchy.<sup>86</sup>

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<sup>83</sup> Froissard, liv. i. chap. 120.

<sup>84</sup> Froissard, liv. i. chap. 121.

<sup>85</sup> Froissard, liv. i. chap. 134.

Edward, informed by the earl of Derby of the great danger to which Guienne was exposed, had prepared a force with which he intended in person to bring it relief. He embarked at Southampton on board a fleet of near a thousand sail of all dimensions; and carried with him, besides all the chief nobility of England, his eldest son, the prince of Wales, now fifteen years of age. The winds proved long contrary;<sup>87</sup> and the king, in despair of arriving in time at Guienne, was at last persuaded, by Geoffrey d'Harcourt, to change the destination of his enterprise. This nobleman was

a Norman by birth, had long made a considerable figure in the court of France, and was generally esteemed for his personal merit and his valor; but being disoblged and persecuted by Philip, he had fled into England; had recommended himself to Edward, who was an excellent judge of men; and had succeeded to Robert of Artois in the invidious office of exciting and assisting the king in every enterprise against his native country. He had long insisted, that an expedition to Normandy promised, in the present circumstances, more favorable success than one to Guienne; that Edward would find the northern provinces almost destitute of military force, which had been drawn to the south; that they were full of flourishing cities, whose plunder would enrich the English; that their cultivated fields, as yet unspoiled by war, would supply them with plenty of provisions; and that the neighborhood of the capital rendered every event of importance in those quarters.<sup>86</sup> These reasons, which had not before been duly weighed by Edward, began to make more impression after the disappointments which he had met with in his voyage to Guienne: he ordered his fleet to sail to Normandy, and safely disembarked his army at La Hogue.

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<sup>86</sup> Avesbury, p. 123.

<sup>87</sup> Froissard, liv. i. chap. 121.

This army, which, during the course of the ensuing campaign, was crowned with the most splendid success, consisted of four thousand men at arms, ten thousand archers, ten thousand Welsh infantry, and six thousand Irish. The Welsh and the Irish were light, disorderly troops, fitter for doing execution in a pursuit, or scouring the country, than for any stable action. The bow was always esteemed a frivolous weapon, where true military discipline was known, and regular bodies of well-armed foot maintained. The only solid force in this army were the men at arms; and even these, being cavalry, were on that account much inferior in the shock of battle to good infantry: and as the whole were new-levied troops, we are led to entertain a very mean idea of the military force of those ages, which, being ignorant of every other art, had not properly cultivated the art of war itself, the sole object of general attention.

The king created the earl of Arundel constable of his army and the earls of Warwick and Harcourt mareshals: he bestowed the honor of knighthood on the prince of Wales and several of the young nobility, immediately upon his landing. After destroying all the ships in La Hogue, Barfleur, and Cherbourg, he spread his army over the whole country, and gave them an unbounded license of burning, spoiling, and plundering every place of which they became masters. The loose discipline then prevalent could not be much hurt by these disorderly practices; and Edward took care to prevent any surprise, by giving orders to his troops, however they might disperse themselves in the day-time, always to quarter themselves at night near the main body. In this manner, Montebourg, Carentan, St. Lo, Valognes, and other places in the Cotentin, were pillaged without resistance; and a universal consternation was spread over the province.<sup>89</sup>

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<sup>88</sup> Froissard, liv. i. chap. 122.

The intelligence of this unexpected invasion soon reached Paris, and threw Philip into great perplexity. He issued orders, however, for levying forces in all quarters, and despatched the count of Eu, constable of France, and the count of Tancarville, with a body of troops, to the defence of Caen, a populous and commercial but open city, which lay in the neighborhood of the English army. The temptation of so rich a prize soon allured Edward to approach it; and the inhabitants, encouraged by their numbers, and by the reënforcements which they daily received from the country, ventured to meet him in the field. But their courage failed them on the first shock: they fled with precipitation: the counts of Eu and Tancarville were taken prisoners: the victors entered the city along with the vanquished, and a furious massacre commenced, without distinction of age, sex, or condition. The citizens, in despair, barricaded their and assaulted the English with stones, bricks, and every missile weapon: the English made way by fire to the destruction of the citizens; till Edward, anxious to save both his spoil and his soldiers, stopped the massacre; and having obliged the inhabitants to lay down their arms, gave his troops license to begin a more regular and less hazardous plunder of the city. The pillage continued for three days:

the king reserved for his own share the jewels, plate, silks, fine cloth, and fine linen; and he bestowed all the remainder of the spoil on his army. The whole was embarked on board the ships, and sent over to England, together with three hundred of the richest citizens of Caen, whose ransom was an additional profit, which he expected afterwards to levy.<sup>89</sup> This dismal scene passed in the presence of two cardinal legates, who had come to negotiate a peace between the kingdoms.

The king moved next to Rouen, in hopes of treating that city in the same manner; but found that the bridge over the Seine was already broken down, and that the king of France himself was arrived there with his army. He marched along the banks of that river towards Paris, destroying the whole country, and every town and village which he met with on his road.<sup>91</sup> Some of his light troops carried their ravages even to the gates of Paris; and the royal palace of St. Germain, together with Nanterre, Ruelle, and other villages, was reduced to ashes within sight of the capital.

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<sup>89</sup> Froissord, liv. i. chap. 124.

<sup>90</sup> Froissard, liv. i. chap. 125.

The English intended to pass the river at Poissy, but found the French army encamped on the opposite banks, and the bridge at that place, as well as all others over the Seine, broken down by orders from Philip. Edward now saw that the French meant to enclose him in their country, in hopes of attacking him with advantage on all sides: but he saved himself by a stratagem from this perilous situation. He gave his army orders to dislodge, and to advance farther up the Seine; but immediately returning by the same road, he arrived at Poissy, which the enemy had already quitted, in order to attend his motions. He repaired the bridge with incredible celerity, passed over his army, and having thus disengaged himself from the enemy, advanced by quick marches towards Flanders. His vanguard, commanded by Harcourt, met with the townsmen of Amiens, who were hastening to reënforce their king, and defeated them with great slaughter;<sup>92</sup> he passed by Beauvais, and burned the suburbs of that city: but as he approached the Somme, he found himself in the same

difficulty as before; all the bridges on that river were either broken down or strongly guarded: an army, under the command of Godemar de Faye, was stationed on the opposite banks: Philip was advancing on him from the other quarter, with an army of a hundred thousand men; and he was thus exposed to the danger of being enclosed, and of starving in an enemy's country. In this extremity, he published a reward to any one that should bring him intelligence of a passage over the Somme. A peasant, called Gobin Agace, whose name has been preserved by the share which he had in these important transactions, was tempted on this occasion to betray the interests of his country; and he informed Edward of a ford below Abbeville, which had a sound bottom, and might be passed without difficulty at low water.<sup>93</sup> The king hastened thither, but found Godemar de Faye on the opposite banks. Being urged by necessity, he deliberated not a moment; but threw himself into the river, sword in hand, at the head of his troops; drove the enemy from their station; and pursued them to a distance on the plain.<sup>94</sup> The French army under Philip arrived at the ford, when the rearguard of the English were passing: so narrow was the escape which Edward, by his prudence and celerity, made from this danger! The rising of the tide prevented the French king from following him over the ford, and obliged that prince to take his route over the bridge at Abbeville; by which some time was lost.

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<sup>91</sup> Froissard, liv. i. chap. 125.

<sup>92</sup> Froissard, liv. i. chap. 126,127

<sup>93</sup> Froissard, liv. i. chap. 127.

It is natural to think that Philip, at the head of so vast an army, was impatient to take revenge on the English, and to prevent the disgrace to which he must be exposed if an inferior enemy should be allowed, after ravaging so great a part of his kingdom, to escape with impunity. Edward also was sensible that such must be the object of the French monarch; and as he had advanced but a little way before his enemy, he saw the danger of precipitating his march over the plains of Picardy, and of exposing his rear to the insults of the numerous cavalry in which the French camp



abounded. He took, therefore, a prudent resolution: he chose his ground with advantage near the village of Crecy; he disposed his army in excellent order; he determined to await in tranquillity the arrival of the enemy; and he hoped that their eagerness to engage, and to prevent his retreat, after all their past disappointments would hurry them on to some rash and ill-concerted action. He drew up his army on a gentle ascent, and divided them into three lines: the first was commanded by the prince of Wales, and under him by the earls of Warwick and Oxford, by Harcourt, and by the lords Chandos, Holland, and other noblemen: the earls of Arundel and Northampton, with the lords Willoughby, Basset, Roos, and Sir Lewis Tufton, were at the head of the second line: he took to himself the command of the third division, by which he purposed either to bring succor to the two first lines, or to secure a retreat in case of any misfortune, or to push his advantages against the enemy. He had likewise the precaution to throw up trenches on his flanks, in order to secure himself from the numerous bodies of the French who might assail him from that quarter; and he placed all his baggage behind him in a wood, which he also secured by an intrenchment.<sup>95</sup>

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<sup>94</sup> Froissard, liv. i. chap. 128.

The skill and order of this disposition, with the tranquillity in which it was made, served extremely to compose the minds of the soldiers; and the king, that he might further inspire them, rode through the ranks with such an air of cheerfulness and alacrity, as conveyed the highest confidence into every beholder. He pointed out to them the necessity to which they were reduced, and the certain and inevitable destruction which awaited them, if, in their present situation, enclosed on all hands in an enemy's country, they trusted to any thing but their own valor, or gave that enemy an opportunity of taking revenge for the many insults and indignities which they had of late put upon him. He reminded them of the visible ascendant which they had hitherto maintained over all the bodies of French troops that had fallen in their way; and assured them, that the superior numbers of the army which at present hovered over them, gave them not greater force, but was an advantage easily compensated by the order in which he

had placed his own army, and the resolution which he expected from them. He demanded nothing, he said, but that they would imitate his own example, and that of the prince of Wales: and as the honor, the lives, the liberties of all, were now exposed to the same danger, he was confident that they would make one common effort to extricate themselves from the present difficulties, and that their united courage would give them the victory over all their enemies.

It is related by some historians,<sup>96</sup> that Edward, besides the resources which he found in his own genius and presence of mind, employed also a new invention against the enemy, and placed in his front some pieces of artillery, the first that had yet been made use of on any remarkable occasion in Europe. This is the epoch of one of the most singular discoveries that has been made among men; a discovery which changed by degrees the whole art of war, and by consequence many circumstances in the political government of Europe. But the ignorance of that age in the mechanical arts, rendered the progress of this new invention very slow. The artillery first framed were so clumsy, and of such difficult management, that men were not immediately sensible of their use and efficacy and even to the present times improvements have been continually making on this furious engine, which, though it seemed contrived for the destruction of mankind, and the overthrow of empires, has in the issue rendered battles less bloody, and has given greater stability to civil societies. Nations, by its means, have been brought more to a level: conquests have become less frequent and rapid: success in war has been reduced nearly to be a matter of calculation: and any nation, overmatched by its enemies, either yields to their demands or secures itself by alliances against their violence and invasion.

The invention of artillery was at this time known in France as well as in England;<sup>97</sup> but Philip, in his hurry to overtake the enemy, had probably left his cannon behind him, which he regarded as a useless encumbrance. All his other movements discovered the same imprudence and precipitation. Impelled by anger, a dangerous counsellor, and trusting to the great superiority of his numbers, he thought that all depended on forcing an engagement with the English; and that if he could once reach the enemy in their retreat, the victory on his side was certain and

inevitable. He made a hasty march, in some confusion, from Abbeville; but after he had advanced above two leagues, some gentlemen, whom he had sent before to take a view of the enemy, returned to him, and brought him intelligence that they had seen the English drawn up in Bombarda great order, and awaiting his arrival.

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<sup>95</sup>..... Jean Villani, lib. xii. cap. 66.

<sup>96</sup>..... Du Cange, Glass, in verb.

They therefore devised him to defer the combat till the ensuing day, when his army would have recovered from their fatigue, and might be disposed into better order than their present hurry had permitted them to observe. Philip assented to this counsel; but the former precipitation of his march, and the impatience of the French nobility, made it impracticable for him to put it in execution. One division pressed upon another: orders to stop were not seasonably conveyed to all of them: this immense body was not governed by sufficient discipline to be manageable; and the French army, imperfectly formed into three lines, arrived, already fatigued and disordered, in presence of the enemy. The first line, consisting of fifteen thousand Genoese cross-bow men, was commanded by Anthony Doria and Charles Grimaldi: the second was led by the count of Alençon, brother to the king: the king himself was at the head of the third. Besides the French monarch, there were no less than three crowned heads in this engagement; the king of Bohemia, the king of the Romans, his son, and the king of Majorca; with all the nobility and great vassals of the crown of France. The army now consisted of above one hundred and twenty thousand men, more than three times the number of the enemy. But the prudence of one man was superior to the advantage of all this force and splendor.

The English, on the approach of the enemy, kept their ranks firm and immovable; and the Genoese first began the attack. There had happened, a little before the engagement, a thunder shower, which had moistened and relaxed the strings of the Genoese cross-bows; their arrows for this reason fell short of the enemy. The English archers, taking their bows out of their cases, poured in a shower of arrows upon this multitude who were

opposed to them, and soon threw them into disorder. The Genoese fell back upon the heavy-armed cavalry of the count of Alençon;<sup>98</sup>..... who, enraged at their cowardice, ordered his troops to put them to the sword.

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<sup>97</sup> Froissard, liv. i. chap. 130.

The artillery fired amidst the crowd; the English archers continued to send in their arrows among them; and nothing was to be seen in that vast body but hurry and confusion, terror and dismay. The young prince of Wales had the presence of mind to take advantage of this situation, and to lead on his line to the charge. The French cavalry, however, recovering somewhat their order, and encouraged by the example of their leader, made a stout resistance; and having at last cleared themselves of the Genoese runaways, advanced upon their enemies, and by their superior numbers began to hem them round. The earls of Arundel and Northampton now advanced their line to sustain the prince, who, ardent in his first feats of arms, set an example of valor which was imitated by all his followers. The battle became for some time hot and dangerous, and the earl of Warwick, apprehensive of the event, from the superior numbers of the French, despatched a messenger to the king, and entreated him to send succors to the relief of the prince. Edward had chosen his station on the top of the hill; and he surveyed in tranquillity the scene of action. When the messenger accosted him, his first question was, whether the prince were slain or wounded. On receiving an answer in the negative, "Return," said he, "to my son, and tell him that I reserve the honor of the day to him: I am confident that he will show himself worthy of the honor of knighthood which I so lately conferred upon him: he will be able, without my assistance, to repel the enemy."<sup>99</sup>..... This speech, being reported to the prince and his attendants, inspired them with fresh courage: they made an attack with redoubled vigor on the French, in which the count of Alençon was slain: that whole line of cavalry was thrown into disorder: the riders were killed or dismounted: the Welsh infantry rushed into the throng, and with their long knives cut the throats of all who had fallen; nor was any quarter given that day by the victors.<sup>100</sup>.....

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<sup>98</sup> Froissard, liv. i. chap. 130.

<sup>99</sup> Froissard, liv. i. chap. 130.

The king of France advanced in vain with the rear to sustain the line commanded by his brother: he found them already discomfited; and the example of their rout increased the confusion which was before but too prevalent in his own body. He had himself a horse killed under him: he was remounted; and, though left almost alone, he seemed still determined to maintain the combat; when John of Hainault seized the reins of his bridle, turned about his horse, and carried him off the field of battle. The whole French army took to flight, and was followed and put to the sword without mercy by the enemy, till the darkness of the night put an end to the pursuit. The king, on his return to the camp, flew into the arms of the prince of Wales, and exclaimed, "My brave son persevere in your honorable course: you are my son! for valiantly have you acquitted yourself to-day: you have shown yourself worthy of empire."<sup>101</sup>

This battle, which is known by the name of the battle of Crecy, began after three o'clock in the afternoon, and continued till evening. The next morning was foggy; and as the English observed that many of the enemy had lost their way in the night and in the mist, they employed a stratagem to bring them into their power: they erected on the eminences some French standards which they had taken in the battle, and all who were allured by this false signal were put to the sword, and no quarter given them. In excuse for this inhumanity, it was alleged that the French king had given like orders to his troops; but the real reason probably was, that the English, in their present situation, did not choose to be encumbered with prisoners. On the day of battle, and on the ensuing, there fell, by a moderate computation, one thousand two hundred French knights, one thousand four hundred gentlemen, four thousand men at arms, besides about thirty thousand of inferior rank:<sup>102</sup> many of the principal nobility of France, the dukes of Lorraine and Bourbon, the earls of Flanders, Blois, Vaudemont, Aumale, were left on the field of battle. The kings also of Bohemia and Majorca were slain: the fate of the former was remarkable: he was blind from age; but being resolved to hazard his person, and set an

example to others, he ordered the reins of his bridle to be tied on each side to the horses of two gentlemen of his train; and his dead body, and those of his attendants, were afterwards found among the slain, with their horses standing by them in that situation.<sup>103</sup> His crest was three ostrich feathers; and his motto these German words, Ich dien,—“I serve;” which the prince of Wales and his successors adopted in memorial of this great victory. The action may seem no less remarkable for the small loss sustained by the English, than for the great slaughter of the French: there were killed in it only one esquire and three knights,<sup>104</sup> and very few of inferior rank; a demonstration that the prudent disposition planned by Edward, and the disorderly attack made by the French, had rendered the whole rather a rout than a battle, which was indeed the common case with engagements in those times.

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<sup>100</sup> Froissard, liv. i. chap. 131.

<sup>101</sup> Froissard, liv. i. chap. 131. Knyghton, p. 2588.

<sup>102</sup> Froissard, liv. i. chap. 130. Walsing. p. 166.

<sup>103</sup> Knyghton, p. 2588.

The great prudence of Edward appeared not only in obtaining this memorable victory, but in the measures which he pursued after it. Not elated by his present prosperity so far as to expect the total conquest of France, or even that of any considerable provinces, he purposed only to secure such an easy entrance into that kingdom, as might afterwards open the way to more moderate advantages. He knew the extreme distance of Guienne: he had experienced the difficulty and uncertainty of penetrating on the side of the Low Countries, and had already lost much of his authority over Flanders by the death of D’Arteville, who had been murdered by the populace themselves, his former partisans, on his attempting to transfer the sovereignty of that province to the prince of Wales.<sup>105</sup> The king, therefore, limited his ambition to the conquest of Calais; and after the interval of a few days, which he employed in interring the slain, he marched with his victorious army, and presented himself before the place.

John of Vienne, a valiant knight of Burgundy, was governor of Calais, and being supplied with every thing necessary for defence, he encouraged the townsmen to perform to the utmost their duty to their king and country. Edward, therefore, sensible from the beginning that it was in vain to attempt the place by force, purposed only to reduce it by famine; he chose a secure station for his camp; drew intrenchments around the whole city; raised huts for his soldiers, which he covered with straw or broom; and provided his army with all the conveniences necessary to make them endure the winter season, which was approaching. As the governor soon perceived his intentions, he expelled all the useless mouths; and the king had the generosity to allow these unhappy people to pass through his camp, and he even supplied them with money for their journey.<sup>106</sup>

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<sup>104</sup> Froissard, liv. i. chap. 116.

<sup>105</sup> Froissard, liv. i. chap. 133.

While Edward was engaged in this siege, which employed him near a twelvemonth, there passed in different places many other events: and all to the honor of the English arms.

The retreat of the duke of Normandy from Guienne left the earl of Derby master of the field; and he was not negligent in making his advantage of the superiority. He took Mirebeau by assault: he made himself master of Lusignan in the same manner: Taillebourg and St. Jean d'Angeli fell into his hands: Poitiers opened its gates to him; and Derby, having thus broken into the frontiers on that quarter, carried his incursions to the banks of the Loire, and filled all the southern provinces of France with horror and devastation.<sup>107</sup>

The flames of war were at the same time kindled in Brittany. Charles of Blois invaded that province with a considerable army, and invested the fortress of Roche de Rien; but the countess of Mountfort, reënforced by some English troops under Sir Thomas Dagworth, attacked him during the night in his intrenchments, dispersed his army, and took Charles himself prisoner.<sup>108</sup> His wife, by whom he enjoyed his pretensions to Brittany, compelled by the present necessity, took on her the government of the

party, and proved herself a rival in every shape, and an antagonist to the countess of Mountfort, both in the field and in the cabinet. And while these heroic dames presented this extraordinary scene to the world, another princess in England, of still higher rank, showed herself no less capable of exerting every manly virtue.

The Scottish nation, after long defending, with incredible perseverance, their liberties against the superior force of the English, recalled their king, David Bruce, in 1342. Though that prince, neither by his age nor capacity, could bring them great assistance, he gave them the countenance of sovereign authority; and as Edward's wars on the continent proved a great diversion to the force of England, they rendered the balance more equal between the kingdoms. In every truce which Edward concluded with Philip, the king of Scotland was comprehended; and when Edward made his last invasion upon France, David was strongly solicited by his ally to begin also hostilities, and to invade the northern counties of England. The nobility of his nation being always forward in such incursions, David soon mustered a great army, entered Northumberland at the head of above fifty thousand men, and carried his ravages and devastations to the gates of Durham.<sup>109</sup> But Queen Philippa, assembling a body of little more than twelve thousand men,<sup>110</sup> which she intrusted to the command of Lord Piercy, ventured to approach him at Neville's Cross near that city; and riding through the ranks of her army, exhorted every man to do his duty, and to take revenge on these barbarous ravagers.<sup>111</sup>

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<sup>106</sup> Froissard, liv. i. chap. 136.

<sup>107</sup> Froissard, liv. i. chap. 143. Walsing, p. 168. Ypod. Neust p. 517, 518.

<sup>108</sup> Froissard, liv. i. chap. 137.

<sup>109</sup> Froissard, liv. i. chap. 138.

Nor could she be persuaded to leave the field, till the armies were on the point of engaging. The Scots have often been unfortunate in the great pitched battles which they fought with the English; even though they commonly declined such engagements where the superiority of numbers



was not on their side: but never did they receive a more fatal blow than the present. They were broken and chased off the field: fifteen thousand of them (some historians say twenty thousand) were slain; among whom were Edward Keith, earl mareschal, and Sir Thomas Charteris, chancellor: and the king himself was taken prisoner, with the earls of Sutherland, Fife, Monteith, Carrick, Lord Douglas, and many other noblemen.<sup>112</sup>

Philippa, having secured her royal prisoner in the Tower,<sup>113</sup> crossed the sea at Dover; and was received in the English camp before Calais with all the triumph due to her rank, her merit, and her success. This age was the reign of chivalry and gallantry: Edward's court excelled in these accomplishments as much as in policy and arms: and if any thing could justify the obsequious devotion then professed to the fair sex, it must be the appearance of such extraordinary women as shone forth during that period.

The town of Calais had been defended with remarkable vigilance,<sup>1347</sup> constancy, and bravery by the townsmen, during a siege of unusual length: but Philip, informed of their distressed condition, determined at last to attempt their relief; and he approached the English with an immense army, which the writers of that age make amount to two hundred thousand men. But he found Edward so surrounded with morasses, and secured by intrenchments, that, without running on inevitable destruction, he concluded it impossible to make an attempt on the English camp. He had no other resource than to send his rival a vain challenge to meet him in the open field; which being refused, he was obliged to decamp with his army, and disperse them into their several provinces.<sup>114</sup>

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<sup>110</sup> Froissard, liv. i. chap. 139.

<sup>111</sup> Rymer, vol. v. p. 537.

<sup>112</sup> Froissard, liv. i chap. 144, 145.

John of Vienne, governor of Calais, now saw the necessity of surrendering his fortress, which was reduced to the last extremity by famine and the fatigue of the inhabitants. He appeared on the walls, and made a signal to

the English sentinels that he desired a parley. Sir Walter Manny was sent to him by Edward. "Brave knight," cried the governor "I have been intrusted by my sovereign with the command of this town: it is almost a year since you besieged me; and I have endeavored, as well as those under me, to do our duty. But you are acquainted with our present condition: we have no hopes of relief; we are perishing with hunger; I am willing therefore to surrender, and desire, as the sole condition, to insure the lives and liberties of these brave men, who have so long shared with me every danger and fatigue."<sup>115</sup> .....

Manny replied, that he was well acquainted with the intentions of the king of England; that that prince was incensed against the townsmen of Calais for their pertinacious resistance, and for the evils which they had made him and his subjects suffer; that he was determined to take exemplary vengeance on them; and would not receive the town on any condition which should confine him in the punishment of these offenders. "Consider," replied Vienne, "that this is not the treatment to which brave men are entitled: if any English knight had been in my situation, your king would have expected the same conduct from him. The inhabitants of Calais have done for their sovereign what merits the esteem of every prince; much more of so gallant a prince as Edward. But I inform you, that, if we must perish, we shall not perish unrevenged; and that we are not yet so reduced but we can sell our lives at a high price to the victors. It is the interest of both sides to prevent these desperate extremities; and I expect that you yourself, brave knight, will interpose your good offices with your prince in our behalf."

Manny was struck with the justness of these sentiments, and represented to the king the danger of reprisals, if he should give such treatment to the inhabitants of Calais. Edward was at last persuaded to mitigate the rigor of the conditions demanded: he only insisted, that six of the most considerable citizens should be sent to him to be disposed of as he thought proper; that they should come to his camp carrying the keys of the city in their hands, bareheaded and barefooted, with ropes about their necks: and on these conditions he promised to spare the lives of all the remainder.<sup>116</sup>.....

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<sup>113</sup>..... Froissard, liv. i. chap. 146.

<sup>114</sup>..... Froissard, liv. i. chap. 146.

When this intelligence was conveyed to Calais, it struck the inhabitants with new consternation. To sacrifice six of their fellow-citizens to certain destruction for signaling their valor in a common cause, appeared to them even more severe than that general punishment with which they were before threatened; and they found themselves incapable of coming to any resolution in so cruel and distressful a situation. At last, one of the principal inhabitants, called Eustace de St. Pierre, whose name deserves to be recorded, stepped forth, and declared himself willing to encounter death for the safety of his friends and companions: another, animated by his example, made a like generous offer: a third and a fourth presented themselves to the same fate; and the whole number was soon completed. These six heroic burgesses appeared before Edward in the guise of malefactors, laid at his feet the keys of their city, and were ordered to be led to execution. It is surprising that so generous a prince should ever have entertained such a barbarous purpose against such men; and still more that he should seriously persist in the resolution of executing it.<sup>117</sup>..... But the entreaties of his queen saved his memory from that infamy: she threw herself on her knees before him, and with tears in her eyes begged the lives of these citizens. Having obtained her request, she carried them into her tent, ordered a repast to be set before them, and, after making them a present of money and clothes, dismissed them in safety.<sup>118</sup>.....

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<sup>115</sup>..... This story of the six burgesses of Calais, like all other extraordinary stories, is somewhat to be suspected; and so much the more as Avesbury, (p. 167,) who is particular in his narration of the surrender of Calais, says nothing of it; and, on the contrary, extols in general the king's generosity and lenity to the inhabitants. The numberless mistakes of Froissard, proceeding either from negligence, credulity, or love of the marvellous, invalidate very much his testimony, even though he was a contemporary, and though his history was dedicated to Queen Philippa herself. It is a mistake to imagine, that the patrons of dedications read the books, much less vouch for all the contents of them. It is not a slight testimony that should make us give credit to a story so dishonorable to Edward, especially

after that proof of his humanity, in allowing a free passage to all the women, children, and infirm people, at the beginning of the siege: at least, it is scarcely to be believed, that, if the story has any foundation, he seriously meant to execute his menaces against the six townsmen of Calais.]

<sup>116</sup>..... Froissard, liv. i. chap. 146.

The king took possession of Calais; and immediately executed an act of rigor, more justifiable, because more necessary, than that which he had before resolved on. He knew that notwithstanding his pretended title to the crown of France, every Frenchman regarded him as a mortal enemy: he therefore ordered all the inhabitants of Calais to evacuate the town, and he peopled it anew with English; a policy which probably preserved so long to his successors the dominion of that important fortress. He made it the staple of wool, leather, tin, and lead; the four chief, if not the sole commodities of the kingdom, for which there was any considerable demand in foreign markets. All the English were obliged to bring thither these goods: foreign merchants came to the same place in order to purchase them: and at a period when posts were not established, and when the communication between states was so imperfect, this institution, though it hurt the navigation of England, was probably of advantage to the kingdom.

Through the mediation of the pope's legates, Edward concluded a truce <sup>1348</sup>. with France; but even during this cessation of arms, he had very nearly lost Calais, the sole fruit of all his boasted victories. The king had intrusted that place to Aimery de Pavie, an Italian, who had discovered bravery and conduct in the wars, but was utterly destitute of every principle of honor and fidelity. This man agreed to deliver up Calais for the sum of twenty thousand crowns; and Geoffrey de Charni, who commanded the French forces in those quarters, and who knew that, if he succeeded in this service, he should not be disavowed, ventured, without consulting his master, to conclude the bargain with him. Edward, informed of this treachery, by means of Aimery's secretary, summoned the governor to London on other pretences; and having charged him with the guilt, promised him his life, but on condition that he would turn the contrivance to the destruction of the enemy. The Italian easily agreed to this double treachery. A day was

appointed for the admission of the French; and Edward having prepared a force of about a thousand men, under Sir Walter Manny, secretly departed from London, carrying with him the prince of Wales; and, without being suspected, arrived the evening before at Calais. He made a proper disposition for the reception of the enemy, and kept all his forces and the garrison under arms. On the appearance of Charni, a chosen band of French soldiers was admitted at the postern, and Aimery, receiving the stipulated sum, promised that, with their assistance, he would immediately open the great gate to the troops, who were waiting with impatience for the fulfilling of his engagement.

All the French who entered were immediately slain or taken prisoners: <sup>1349</sup> the great gate opened: Edward rushed forth with cries of battle and of victory: the French, though astonished at the event, behaved with valor: a fierce and bloody engagement ensued. As the morning broke, the king, who was not distinguished by his arms, and who fought as a private man under the standard of Sir Walter Manny, remarked a French gentleman, called Eustace de Ribau mont, who exerted himself with singular vigor and bravery; and he was seized with a desire of trying a single combat with him. He stepped forth from his troop and challenging Ribau mont by name, (for he was known to him,) began a sharp and dangerous encounter. He was twice beaten to the ground by the valor of the Frenchman: he twice recovered himself: blows were redoubled with equal force on both sides: the victory was long undecided; till Ribau mont, perceiving himself to be left almost alone, called out to his antagonist, "Sir Knight, I yield myself your prisoner;" and at the same time delivered his sword to the king. Most of the French, being overpowered by numbers, and intercepted in their retreat, lost either their lives or their liberty.<sup>119</sup>

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<sup>117</sup> Froissard, liv. i. chap. 140, 141, 142.

The French officers who had fallen into the hands of the English, were conducted into Calais; where Edward discovered to them the antagonist with whom they had had the honor to be engaged, and treated them with great regard and courtesy. They were admitted to sup with the prince of Wales and the English nobility; and after supper, the king himself came

into the apartment, and went about, conversing familiarly with one or other of his prisoners. He even addressed himself to Charni, and avoided reproaching him, in too severe terms, with the treacherous attempt which he had made upon Calais during the truce: but he openly bestowed the highest encomiums on Ribaumont; called him the most valorous knight that he had ever been acquainted with; and confessed that he himself had at no time been in so great danger as when engaged in combat with him. He then took a string of pearls, which he wore about his own head, and throwing it over the head of Ribaumont, he said to him, "Sir Eustace, I bestow this present upon you as a testimony of my esteem for your bravery; and I desire you to wear it a year for my sake. I know you to be gay and amorous; and to take delight in the company of ladies and damsels: let them all know from what hand you had the present. You are no longer a prisoner; I acquit you of your ransom; and you are at liberty to-morrow to dispose of yourself as you think proper."

Nothing proves more evidently the vast superiority assumed by the nobility and gentry above all the other orders of men, during those ages, than the extreme difference which Edward made in his treatment of these French knights, and that of the six citizens of Calais, who had exerted more signal bravery in a cause more justifiable and more honorable.



## CHAPTER 16.

### EDWARD III.

THE prudent conduct and great success of Edward in his foreign wars <sup>1349</sup> had excited a strong emulation and a military genius among the English nobility; and these turbulent barons, overawed by the crown, gave now a more useful direction to their ambition, and attached themselves to a prince who led them to the acquisition of riches and of glory. That he might further promote the spirit of emulation and obedience, the king instituted the order of the garter, in imitation of some orders of a like nature, religious as well as military, which had been established in different parts of Europe. The number received into this order consisted of twenty-five persons, besides the sovereign; and as it has never been enlarged, this badge of distinction continues as honorable as at its first institution, and is still a valuable though a cheap present, which the prince can confer on his greatest subjects. A vulgar story prevails, but is not supported by any ancient authority, that at a court ball, Edward's mistress, commonly supposed to be the countess of Salisbury, dropped her garter; and the king, taking it up, observed some of the courtiers to smile, as if they thought that he had not obtained this favor merely by accident: upon which he called out, "Honi soit qui mal y pense,"—Evil to him that evil thinks; and as every incident of gallantry among those ancient warriors was magnified into a matter of great importance,<sup>1</sup> he instituted the order of the garter in memorial of this event, and gave these words as the motto of the order. § This origin, though frivolous, is not unsuitable to the manners of the times; and it is indeed difficult by any other means to account either for the seemingly unmeaning terms of the motto, or for the peculiar badge of the garter, which seems to have no reference to any purpose either of military use or ornament.

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<sup>1</sup> There was a singular instance, About this time, of the prevalence of chivalry and gallantry in the nations of Europe. A solemn duel of thirty knights against thirty was fought between Bembrigh, as Englishman, and Beaumanoir, a Breton, of the party of Charles of Blois, The knights of the two nations came into the field; and before the combat began, Beaumanoir

called out, that it would be seen that day who had the fairest mistresses. After a bloody combat, the Bretons prevailed; and gained for their prize, full liberty to boast of their mistresses' beauty. It is remarkable, that two such famous generals as Sir Robert Knolles and Sir Hugh Calverley drew their swords in this ridiculous contest. See Pere Daniel, vol. ii. p.536, 537, etc. The women not only instigated the champions to those rough, if not bloody frays of tournament, but also frequented the tournaments during all the reign of Edward, whose spirit of gallantry encouraged this practice. See Knyghton, p. 2597.]

But a sudden damp was thrown over this festivity and triumph of the court of England, by a destructive pestilence, which invaded that kingdom as well as the rest of Europe; and is computed to have swept away near a third of the inhabitants in every country which it attacked. It was probably more fatal in great cities than in the country; and above fifty thousand souls are said to have perished by it in London alone.<sup>2</sup> This malady first discovered itself in the north of Asia, was spread over all that country, made its progress from one end of Europe to the other, and sensibly depopulated every state through which it passed. So grievous a calamity, more than the pacific disposition of the princes, served to maintain and prolong the truce between France and England.

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<sup>2</sup> Stowe's Survey, p. 478. There were buried fifty thousand bodied in one churchyard, which Sir Walter Manny had bought for the use of the poor. The same author says, that there died above fifty thousand persons of the plague in Norwich, which is quite incredible.

During this truce, Philip de Valois died, without being able to <sup>1350</sup> reestablish the affairs of France, which his bad success against England had thrown into extreme disorder. This monarch, during the first years of his reign, had obtained the appellation of Fortunate, and acquired the character of prudent; but he ill maintained either the one or the other; less from his own fault, than because he was overmatched by the superior fortune and superior genius of Edward. But the incidents in the reign of his son John gave the French nation cause to regret even the calamitous times of his predecessor. John was distinguished by many virtues, particularly a scrupulous honor and fidelity: he was not deficient in



personal courage: but as he wanted that masterly prudence and foresight, which his difficult situation required his kingdom was at the same time disturbed by intestine commotions, and oppressed with foreign wars.

The chief source of its calamities, was Charles, king of Navarre who <sup>1354</sup> received the epithet of the Bad, or Wicked, and whose conduct fully entitled him to that appellation. This prince was descended from males of the blood royal of France; his mother was daughter of Lewis Hutin; he had himself espoused a daughter of King John: but all these ties, which ought to have connected him with the throne, gave him only greater power to shake and overthrow it. With regard to his personal qualities, he was courteous, affable, engaging eloquent; full of insinuation and address; inexhaustible in his resources; active and enterprising. But these splendid accomplishments were attended with such defects as rendered them pernicious to his country, and even ruinous to himself: he was volatile, inconstant, faithless, revengeful, malicious; restrained by no principle or duty; insatiable in his pretensions: and whether successful or unfortunate in one enterprise he immediately undertook another, in which he was never deterred from employing the most criminal and most dishonorable expedients.

The constable of Eu, who had been taken prisoner by Edward at Caen, recovered his liberty, on the promise of delivering, as his ransom, the town of Guisnes, near Calais of which he was superior lord: but as John was offended at this stipulation, which, if fulfilled, opened still farther that frontier to the enemy, and as he suspected the constable of more dangerous connections with the king of England, he ordered him to be seized, and without any legal or formal trial, put him to death, in prison. Charles de la Cerda was appointed constable in his place; and had a like fatal end: the king of Navarre ordered him to be assassinated; and such was the weakness of the crown, that this prince, instead of dreading punishment, would not even agree to ask pardon for his offence, but on condition that he should receive an accession of territory: and he had also John's second son put into his hands, as a security for his person, when he came to court, and performed this act of mock penitence and humiliation before his sovereign.<sup>3</sup>

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<sup>3</sup> Froissard, liv. i. chap. 144.

The two French princes seemed entirely reconciled; but this <sup>1355</sup> dissimulation, to which John submitted from necessity, and Charles from habit, did not long continue; and the king of Navarre knew that he had reason to apprehend the most severe vengeance for the many crimes and treasons which he had already committed, and the still greater, which he was meditating. To insure himself of protection, he entered into a secret correspondence with England, by means of Henry, earl of Derby, now earl of Lancaster, who at that time was employed in fruitless negotiations for peace at Avignon, under the mediation of the pope. John detected this correspondence; and to prevent the dangerous effects of it, he sent forces into Normandy, the chief seat of the king of Navarre's power, and attacked his castles and fortresses. But hearing that Edward had prepared an army to support his ally, he had the weakness to propose an accommodation with Charles, and even to give this traitorous subject the sum of a hundred thousand crowns, as the purchase of a feigned reconcilement, which rendered him still more dangerous. The king of Navarre, insolent from past impunity, and desperate from the dangers which he apprehended, continued his intrigues; and associating himself with Geoffrey d'Harcourt, who had received his pardon from Philip de Valois, but persevered still in his factious disposition, he increased the number of his partisans in every part of the kingdom. He even seduced, by his address, Charles, the king of France's eldest son, a youth of seventeen years of age, who was the first that bore the appellation of "dauphin," by the reunion of the province of Dauphiny to the crown. But this prince, being made sensible of the danger and folly of these connections, promised to make atonement for the offence by the sacrifice of his associates; and in concert with his father, he invited the king of Navarre, and other noblemen of the party, to a feast at Rouen, where they were betrayed into the hands of John. Some of the most obnoxious were immediately led to execution: the king of Navarre was thrown into prison;<sup>4</sup> but this stroke of severity in the king, and of treachery in the dauphin, was far from proving decisive in maintaining the royal authority. Philip of Navarre, brother to Charles, and Geoffrey

d'Harcourt, put all the towns and castles belonging to that prince in a posture of defence; and had immediate recourse to the protection of England in this desperate extremity.

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<sup>4</sup> Froissard. liv. i. chap. 146.

The truce between the two kingdoms, which had always been ill observed on both sides, was now expired; and Edward was entirely free to support the French malecontents. Well pleased that the factions in France had at length gained him some partisans in that kingdom, which his pretensions to the crown had never been able to accomplish, he purposed to attack his enemy both on the side of Guienne, under the command of the prince of Wales, and on that of Calais, in his own person.

Young Edward arrived in the Garronne with his army, on board a fleet of three hundred sail, attended by the earls of Avesbury, p. 243. Warwick, Salisbury, Oxford, Suffolk, and other English noblemen. Being joined by the vassals of Gascony, he took the field; and as the present disorders in France prevented every proper plan of defence, he carried on with impunity his ravages and devastations, according to the mode of war in that age. He reduced all the villages and several towns in Languedoc to ashes: he presented himself before Toulouse; passed the Garronne, and burned the suburbs of Carcassonne; advanced even to Narbonne, laying every place waste around him; and after an incursion of six weeks, returned with a vast booty and many prisoners to the Guienne, where he took up his winter quarters.<sup>5</sup> The constable of Bourbon, who commanded in those provinces, received orders, though at the head of a superior army, on no account to run the hazard of a battle.

The king of England's incursion from Calais was of the samme nature, and attended with the same issue. He broke into France at the head of a numerous army; to which he gave a full license of plundering and ravaging the open country. He advanced to St. Omer, where the king of France was posted; and on the retreat of that prince, followed him to Hesdin.<sup>6</sup> John still kept at a distance, and declined an engagement: but in order to save his reputation, he sent Edward a challenge to fight a pitched battle with

him; a usual bravado in that age, derived from the practice of single combat, and ridiculous in the art of war. The king, finding no sincerity in this defiance, retired to Calais, and thence went over to England, in order to defend that kingdom against a threatened invasion of the Scots.

The Scots, taking advantage of the king's absence, and that of the military power of England, had surprised Berwick; and had collected an army with a view of committing ravages upon the northern provinces: but on the approach of Edward, they abandoned that place, which was not tenable, while the castle was in the hands of the English; and retiring to their mountains, gave the enemy full liberty of burning and destroying the whole country from Berwick to Edinburgh.<sup>7</sup>

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<sup>5</sup> Froissard, liv. i. chap. 144, 146.

<sup>6</sup> Froissard, liv. i. chap. 144. Avesbury, p. 206. Walsing. p. 171.

<sup>7</sup> Walsing. p. 171.

Baliol attended Edward on this expedition; but finding that his constant adherence to the English had given his countrymen an unconquerable aversion to his title, and that he himself was declining through age and infirmities, he finally resigned into the king's hands his pretensions to the crown of Scotland,<sup>8</sup> and received in lieu of them an annual pension of two thousand pounds, with which he passed the remainder of his life in privacy and retirement.

During these military operations, Edward received information of the increasing disorders in France, arising from the imprisonment of the king of Navarre; and he sent Lancaster at the head of a small army, to support the partisans of that prince in Normandy. The war was conducted with various success, but chiefly to the disadvantage of the French malecontents; till an important event happened in the other quarter of the kingdom, which had well nigh proved fatal to the monarchy of France, and threw every thing into the utmost confusion.

The prince of Wales, encouraged by the success of the preceding <sup>1356</sup> campaign, took the field with an army, which no historian makes amount to above twelve thousand men, and of which not a third were English; and

with this small body, he ventured to penetrate into the heart of France. After ravaging the Agenois, Quercy, and the Limousin, he entered the province of Berry; and made some attacks, though without success, on the towns of Bourges and Issoudun. It appeared that his intentions were to march into Normandy, and to join his forces with those of the earl of Lancaster, and the partisans of the king of Navarre; but finding all the bridges on the Loire broken down, and every pass carefully guarded, he was obliged to think of making his retreat into Guienne.<sup>9</sup> He found this resolution the more necessary, from the intelligence which he received of the king of France's motions. That monarch, provoked at the insult offered him by this incursion, and entertaining hopes of success from the young prince's temerity, collected a great army of above sixty thousand men, and advanced by hasty marches to intercept his enemy. The prince, not aware of John's near approach, lost some days, on his retreat, before the castle of Remorantin;<sup>10</sup> and thereby gave the French an opportunity of overtaking him. They came within sight at Maupertuis, near Poitiers; and Edward, sensible that his retreat was now become impracticable, prepared for battle with all the courage of a young hero, and with all the prudence of the oldest and most experienced commander.

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<sup>8</sup> Rymer, vol. v. p. 863. Ypod. Neust. p. 521.

<sup>9</sup> Walsing. p. 171.

<sup>10</sup> Froissard, liv. i. chap. 158. Walsing. p. 171

But the utmost prudence and courage would have proved insufficient to save him in this extremity, had the king of France known how to make use of his present advantages. His great superiority in numbers enabled him to surround the enemy; and by intercepting all provisions, which were already become scarce in the English camp, to reduce this small army, without a blow, to the necessity of surrendering at discretion. But such was the impatient ardor of the French nobility, and so much had their thoughts been bent on overtaking the English as their sole object, that this idea never struck any of the commanders; and they immediately took measures for the assault, as for a certain victory. While the French army was drawn

up in order of battle, they were stopped by the appearance of the cardinal of Perigord; who, having learned the approach of the two armies to each other, had hastened, by interposing his good offices, to prevent any further effusion of Christian blood. By John's permission, he carried proposals to the prince of Wales; and found him so sensible of the bad posture of his affairs, that an accommodation seemed not impracticable. Edward told him, that he would agree to any terms consistent with his own honor and that of England; and he offered to purchase a retreat, by ceding all the conquests which he had made during this and the former campaign, and by stipulating not to serve against France during the course of seven years. But John, imagining that he had now got into his hands a sufficient pledge for the restitution of Calais, required that Edward should surrender himself prisoner with a hundred of his attendants; and offered, on these terms, a safe retreat to the English army. The prince rejected the proposal with disdain; and declared that, whatever fortune might attend him, England should never be obliged to pay the price of his ransom. This resolute answer cut off all hopes of accommodation; but as the day was already spent in negotiating, the battle was delayed till the next morning.<sup>11</sup>

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<sup>11</sup> Froissard, liv. i. chap. 161.

The cardinal of Perigord, as did all the prelates of the court of Rome, bore a great attachment to the French interest; but the most determined enemy could not, by any expedient, have done a greater prejudice to John's affairs, than he did them by this delay. The prince of Wales had leisure, daring the night, to strengthen, by new intrenchments, the post which he had before so judiciously chosen; and he contrived an ambush of three hundred men at arms, and as many archers, whom he put under the command of the Captal de Buche, and ordered to make a circuit, that they might fall on the flank or rear of the French army during the engagement. The van of his army was commanded by the earl of Warwick, the rear by the earls of Salisbury and Suffolk, the main body by the prince himself. The Lords Chandos, Audeley, and many other brave and experienced commanders, were at the head of different corps of his army.

John also arranged his forces in three divisions, nearly equal: the first was commanded by the duke of Orleans, the king's brother; the second by the dauphin, attended by his two younger brothers; the third by the king himself, who had by his side Philip, his fourth son and favorite, then about fourteen years of age. There was no reaching the English army but through a narrow lane, covered on each side by hedges and in order to open this passage, the mareschals, Andrehen and Clermont, were ordered to advance with a separate detachment of men at arms. While they marched along the lane, a body of English archers, who lined the hedges, plied them on each side with their arrows; and being very near them, yet placed in perfect safety, they coolly took their aim against the enemy, and slaughtered them with impunity. The French detachment, much discouraged by the unequal combat, and diminished in their number, arrived at the end of the lane, where they met on the open ground the prince of Wales himself, at the head of a chosen body, ready for their reception. They were discomfited and overthrown: one of the mareschals was slain; the other taken prisoner: and the remainder of the detachment, who were still in the lane, and exposed to the shot of the enemy, without being able to make resistance, recoiled upon their own army, and put every thing into disorder.<sup>12</sup>.....

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<sup>12</sup>..... Froissard, liv. i. chap. 162.

In that critical moment the Captal de Buche unexpectedly appeared, and attacked in flank the dauphin's line, which fell into some confusion. Landas, Bodenai, and St. Venant, to whom the care of that young prince and his brothers had been committed, too anxious for their charge, or for their own safety, carried them off the field, and set the example of flight, which was followed by that whole division. The duke of Orleans, seized with alike panic, and imagining all was lost, thought no longer of fighting, but carried off his division by a retreat, which soon turned into a flight. Lord Chandos called out to the prince, that the day was won; and encouraged him to attack the division under King John, which, though more numerous than the whole English army, were somewhat dismayed with the precipitate flight of their companions. John here made the utmost

efforts to retrieve by his valor what his imprudence had betrayed; and the only resistance made that day was by his line of battle. The prince of Wales fell with impetuosity on some German cavalry placed in the front, and commanded by the counts of Sallebruche, Nydo, and Nosto; a fierce battle ensued: one side were encouraged by the near prospect of so great a victory; the other were stimulated by the shame of quitting the field to an enemy so much inferior: but the three German generals, together with the duke of Athens, constable of France, falling in battle, that body of cavalry gave way, and left the king himself exposed to the whole fury of the enemy. The ranks were every moment thinned around him: the nobles fell by his side one after another: his son, scarce fourteen years of age, received a wound, while he was fighting valiantly in defence of his father: the king himself, spent with fatigue and overwhelmed by numbers, might easily have been slain; but every English gentleman, ambitious of taking alive the royal prisoner, spared him in the action, exhorted him to surrender, and offered him quarter: several, who attempted to seize him, suffered for their temerity. He still cried out, "Where is my cousin, the prince of Wales?" and seemed unwilling to become prisoner to any person of inferior rank. But being told that the prince was at a distance on the field, he threw down his gauntlet, and yielded himself to Dennis de Morbec, a knight of Arras, who had been obliged to fly his country for murder. His son was taken with him.<sup>13</sup>.....

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<sup>13</sup> Rymer, vol vi. p. 72, 154. Froissard, liv. i. chap. 164.

The prince of Wales, who had been carried away in pursuit of the flying enemy, finding the field entirely clear, had ordered a tent to be pitched, and was reposing himself after the toils of battle; inquiring still with great anxiety concerning the fate of the French monarch. He despatched the earl of Warwick to bring him intelligence; and that nobleman came happily in time to save the life of the captive prince which was exposed to greater danger than it had been during the heat of the action. The English had taken him by violence from Morbec: the Gascons claimed the honor of detaining the royal prisoner; and some brutal soldiers, rather than yield the prize to their rivals, had threatened to put him to death.<sup>14</sup>..... Warwick



overawed both parties, and approaching the king with great demonstrations of respect, offered to conduct him to the prince's tent.

Here commences the real and truly admirable heroism of Edward; for victories are vulgar things in comparison of that moderation and humanity displayed by a young prince of twenty-seven years of age, not yet cooled from the fury of battle, and elated by as extraordinary and as unexpected success as had ever crowned the arms of any commander. He came forth to meet the captive king with all the marks of regard and sympathy; administered comfort to him amidst his misfortunes; paid him the tribute of praise due to his valor; and ascribed his own victory merely to the blind chance of war, or to a superior providence, which controls all the efforts of human force and prudence.<sup>15</sup> The behavior of John showed him not unworthy of this courteous treatment; his present abject fortune never made him forget a moment that he was a king; more touched by Edward's generosity than by his own calamities, he confessed that, notwithstanding his defeat and captivity, his honor was still unimpaired; and that if he yielded the victory, it was at least gained by a prince of such consummate valor and humanity.

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<sup>14</sup> Froissard, liv. i. chap. 164.

<sup>15</sup> Poul. Cemil, p. 197.

Edward ordered a repast to be prepared in his tent for the prisoner; and he himself served at the royal captive's table, as if he had been one of his retinue: he stood at the king's back during the meal; constantly refused to take a place at table; and declared that, being a subject, he was too well acquainted with the distance between his own rank and that of royal majesty, to assume such freedom. All his father's pretensions to the crown of France were now buried in oblivion: John in captivity received the honors of a king, which were refused him when seated on the throne: his misfortunes, not his title, were respected; and the French prisoners, conquered by this elevation of mind, more than by their late discomfiture, burst into tears of admiration; which were only checked by the reflection,

that such genuine and unaltered heroism in an enemy must certainly in the issue prove but the more dangerous to their native country.<sup>16</sup>

All the English and Gascon knights imitated the generous example set them by their prince. The captives were every where treated with humanity, and were soon after dismissed, on paying moderate ransoms to the persons into whose hands they had fallen. The extent of their fortunes was considered; and an attention was given that they should still have sufficient means left to perform their military service in a manner suitable to their rank and quality. Yet so numerous were the noble prisoners, that these ransoms, added to the spoils gained in the field, were sufficient to enrich the prince's army; and as they had suffered very little in the action, their joy and exultation were complete.

The prince of Wales conducted his prisoner to Bordeaux; and not being provided with forces so numerous as might enable him to push his present advantages, he concluded a two years' truce with France,<sup>17</sup> which was also become requisite, that he might conduct the captive king with safety into England. He landed at Southwark, and was met by a great concourse of people, of all ranks and stations. {1357.

The prisoner was clad in royal apparel, and mounted on a white steed, distinguished by its size and beauty, and by the richness of its furniture. The conqueror rode by his side in a meaner attire, and carried by a black palfrey. In this situation, more glorious than all the insolent parade of a Roman triumph, he passed through the streets of London, and presented the king of France to his father, who advanced to meet him, and received him with the same courtesy as if he had been a neighboring potentate that had voluntarily come to pay him a friendly visit.<sup>18</sup> It is impossible, in reflecting on this noble conduct, not to perceive the advantages which resulted from the otherwise whimsical principles of chivalry, and which gave men in those rude times some superiority even over people of a more cultivated age and nation.

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<sup>16</sup> Froissard, liv. i. chap. 168.

<sup>17</sup> Rymer, vol. vi p. 3.

<sup>18</sup> Froissard, liv i. chap. 173.

The king of France, besides the generous treatment which he met with in England, had the melancholy consolation of the wretched, to see companions in affliction. The king of Scots had been eleven years a captive in Edward's hands; and the good fortune of this latter monarch had reduced at once the two neighboring potentates, with whom he was engaged in war, to be prisoners in his capital.

But Edward finding that the conquest of Scotland was nowise advanced <sup>1357</sup> by the captivity of its sovereign, and that the government conducted by Robert Stuart, his nephew and heir, was still able to defend itself, consented to restore David Bruce to his liberty, for the ransom of one hundred thousand marks sterling; and that prince delivered the sons of all his principal nobility, as hostages for the payment.<sup>19</sup>.....

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<sup>19</sup>..... Rymer, vol. vi. p. 45, 46, 52, 56. Froissard, liv. i. chap, 154 Walsing, p. 73.

Meanwhile, the captivity of John, joined to the preceding disorders <sup>1358</sup> of the French government, had produced in that country a dissolution, almost total, of civil authority, and had occasioned confusions the most horrible and destructive that had ever been experienced in any age or in any nation. The dauphin, now about eighteen years of age, naturally assumed the royal power during his father's captivity; but though endowed with an excellent capacity, even in such early years, he possessed neither experience nor authority sufficient to defend a state, assailed at once by foreign power and shaken by intestine faction. In order to obtain supply, he assembled the states of the kingdom: that assembly, instead of supporting his administration, were themselves seized with the spirit of confusion; and laid hold of the present opportunity to demand limitations of the prince's power, the punishment of past malversations, and the liberty of the king of Navarre. Marcel, provost of the merchants and first magistrate of Paris, put himself at the head of the unruly populace; and from the violence and temerity of his character, pushed them to commit the most criminal outrages against the royal authority. They detained the dauphin in a sort of captivity; they murdered in his presence Robert de

Clermont and John de Conflans, mareschals, the one of Normandy, the other of Burgundy; they threatened all the other ministers with a like fate; and when Charles, who was obliged to temporize and dissemble, made his escape from their hands, they levied war against him, and openly erected the standard of rebellion, The other cities of the kingdom, in imitation of the capital, shook off the dauphin's authority, took the government into their own hands, and spread the disorder into every province. The nobles, whose inclinations led them to adhere to the crown, and were naturally disposed to check these tumults, had lost all their influence; and being reproached with cowardice on account of the base desertion of their sovereign in the battle of Poitiers, were treated with universal contempt by the inferior orders. The troops, who, from the deficiency of pay, were no longer retained in discipline, threw off all regard to their officers, sought the means of subsistence by plunder and robbery, and associating to them all the disorderly people with whom that age abounded, formed numerous bands, which infested all parts of the kingdom. They desolated the open country; burned and plundered the villages; and by cutting off all means of communication or subsistence, reduced even the inhabitants of the walled towns to the most extreme necessity. The peasants, formerly oppressed, and now left unprotected by their masters, became desperate from their present misery; and rising every where in arms, carried to the last extremity those disorders which were derived from the sedition of the citizens and disbanded soldiers.<sup>20</sup>

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<sup>20</sup> Froissard, liv. i. chap. 182,183, 184.

The gentry, hated for their tyranny, were every where exposed to the violence of popular rage; and instead of meeting with the regard due to their past dignity, became only, on that account, the object of more wanton insult to the mutinous peasants. They were hunted like wild beasts, and put to the sword without mercy: their castles were consumed with fire, and levelled to the ground: their wives and daughters were first ravished, then murdered: the savages proceeded so far as to impale some gentlemen, and roast them alive before a slow fire: a body of nine thousand of them broke into Meaux, where the wife of the dauphin, with above three hundred

ladies, had taken shelter: the most brutal treatment and most atrocious cruelty were justly dreaded by this helpless company: but the Captal de Buche, though in the service of Edward, yet moved by generosity and by the gallantry of a true knight, flew to their rescue, and beat off the peasants with great slaughter. In other civil wars, the opposite factions, falling under the government of their several leaders, commonly preserve still the vestige of some rule and order: but here the wild state of nature seemed to be renewed: every man was thrown loose and independent of his fellows: and the populousness of the country, derived from the preceding police of civil society, served only to increase the horror and confusion of the scene.

Amidst these disorders, the king of Navarre made his escape from prison, and presented a dangerous leader to the furious malecontents.<sup>21</sup> But the splendid talents of this prince qualified him only to do mischief, and to increase the public distractions: he wanted the steadiness and prudence requisite for making his intrigues subservient to his ambition, and forming his numerous partisans into a regular faction. He revived his pretensions, somewhat obsolete, to the crown of France: but while he advanced this claim, he relied entirely on his alliance with the English, who were concerned in interest to disappoint his pretensions; and who, being public and inveterate enemies to the state, served only, by the friendship which they seemingly bore him, to render his cause the more odious. And in all his operations, he acted more like a leader of banditti, than one who aspired to be the head of a regular government, and who was engaged by his station to endeavor the reëstablishment of order in the community.

The eyes, therefore, of all the French, who wished to restore peace to their miserable and desolated country, were turned towards the dauphin; and that young prince, though not remarkable for his military talents, possessed so much prudence and spirit, that he daily gained the ascendant over all his enemies. Marcel, the seditious provost of Paris, was slain, while he was attempting to deliver the city to the king of Navarre and the English; and the capital immediately returned to its duty.<sup>22</sup> The most considerable bodies of the mutinous peasants were dispersed, and put to the sword: some bands of military robbers underwent the same fate: and though many grievous disorders still remained, France began gradually to

assume the face of a regular civil government, and to form some plan for its defence and security.

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<sup>21</sup> Froissard, liv. i. chap. 181.

<sup>22</sup> Froissard, liv. i. chap. 187

During the confusion in the dauphin's affairs, Edward seemed to have a favorable opportunity for pushing his conquests: but besides that his hands were tied by the truce, and he could only assist underhand the faction of Navarre, the state of the English finances and military power, during those ages, rendered the kingdom incapable of making any regular or steady effort, and obliged it to exert its force at very distant intervals, by which all the projected ends were commonly disappointed. Edward employed himself, during a conjuncture so inviting, chiefly in negotiations with his prisoner; and John had the weakness to sign terms of peace, which, had they taken effect, must have totally ruined and dismembered his kingdom. He agreed to restore all the provinces which had been possessed by Henry II. and his two sons, and to annex them forever to England, without any obligation of homage or fealty on the part of the English monarch. But the dauphin and the states of France rejected this treaty, so dishonorable and pernicious to the kingdom;<sup>23</sup> and Edward on the expiration of the truce, having now, by subsidies and frugality, collected some treasure, prepared himself for a new invasion of France.

The great authority and renown of the king and the prince of Wales, the splendid success of their former enterprises, and the certain prospect of plunder from the defenceless provinces of France, soon brought together the whole military power of England; and the same motives invited to Edward's standard all the hardy adventurers of the different countries of Europe.<sup>24</sup> He passed over to Calais, where he assembled an army of near a hundred thousand men; a force which the dauphin could not pretend to withstand in the open field: that prince, therefore, prepared himself to elude a blow, which it was impossible for him to resist. He put all the considerable towns in a posture of defence; ordered them to be supplied with magazines and provisions; distributed proper garrisons in

all places; secured every thing valuable in the fortified cities; and chose his own station at Paris, with a view of allowing the enemy to vent their fury on the open country.

The king, aware of this plan of defence, was obliged to carry along with <sup>1359.</sup> him six thousand wagons, loaded with the provisions necessary for the subsistence of his army. After ravaging the province of Picardy, he advanced into Champagne; and having a strong desire of being crowned king of France at Rheims, the usual place in which this ceremony is performed, he laid siege to that city, and carried on his attacks, though without success, for the space of seven weeks.<sup>25</sup>

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<sup>23</sup> Froissard. liv. i. chap. 201.

<sup>24</sup> Froissard, liv. i. chap. 205.

<sup>25</sup> Froissard, liv. i. chap. 208. Walsing. p. 174.

The place was bravely defended by the inhabitants, encouraged by <sup>1360.</sup> the exhortations of the archbishop, John de Craon; till the advanced season (for this expedition was entered upon in the beginning of winter) obliged the king to raise the siege. The province of Champagne, meanwhile, was desolated by his incursions; and he thence conducted his army, with a like intent, into Burgundy. He took and pillaged Tonnerre, Gaillon, Avalon, and other small places; but the duke of Burgundy, that he might preserve his country from further ravages, consented to pay him the sum of one hundred thousand nobles.<sup>26</sup> Edward then bent his march towards the Nivernois, which saved itself by a like composition: he laid waste Brie and the Gatinois; and after a long march, very destructive to France, and somewhat ruinous to his own troops, he appeared before the gates of Paris, and taking up his quarters at Bourg-la-Reine, extended his army to Longjumeau, Montrouge, and Vaugirard. He tried to provoke the dauphin to hazard a battle, by sending him a defiance; but could not make that prudent prince change his plan of operations. Paris was safe from the danger of an assault by its numerous garrison; from that of a blockade by its well-supplied magazines: and as Edward himself could not subsist his army in a country wasted by foreign and domestic enemies, and left also

empty by the precaution of the dauphin, he was obliged to remove his quarters; and he spread his troops into the provinces of Maine, Beausse, and the Chartraine, which were abandoned to the fury of their devastations.<sup>27</sup> The only repose which France experienced was during the festival of Easter, when the king stopped the course of his ravages. For superstition can sometimes restrain the rage of men, which neither justice nor humanity is able to control.

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<sup>26</sup> Rymer, vol. vi. p. 161. Walsing. p. 174.

<sup>27</sup> Walsing. p. 175.

While the war was carried on in this ruinous manner, the negotiations for peace were never interrupted: but as the king still insisted on the full execution of the treaty which he had made with his prisoner at London, and which was strenuously rejected by the dauphin, there appeared no likelihood of an accommodation. The earl, now duke of Lancaster, (for this, title was introduced into England during the present reign,) endeavored to soften the rigor of these terms, and to finish the war on more equal and reasonable conditions. He insisted with Edward, that, notwithstanding his great and surprising successes, the object of the war, if such were to be esteemed the acquisition of the crown of France, was not become any nearer than at the commencement of it; or rather, was set at a greater distance by those very victories and advantages which seemed to lead to it. That his claim of succession had not from the first procured him one partisan in the kingdom; and the continuance of these destructive hostilities had united every Frenchman in the most implacable animosity against him. That though intestine faction had crept into the government of France, it was abating every moment; and no party, even during the greatest heat of the contest, when subjection under a foreign enemy usually appears preferable to the dominion of fellow-citizens, had ever adopted the pretensions of the king of England. That the king of Navarre himself, who alone was allied with the English, instead of being a cordial friend, was Edward's most dangerous rival, and, in the opinion of his partisans, possessed a much preferable title to the crown of France. That



the prolongation of the war, however it might enrich the English soldiers, was ruinous to the king himself, who bore all the charges of the armament, without reaping any solid or durable advantage from it. That if the present disorders of France continued, that kingdom would soon be reduced to such a state of desolation, that it would afford no spoils to its ravagers, if it could establish a more steady government, it might turn the chance of war in its favor, and by its superior force and advantages be able to repel the present victors. That the dauphin, even during his greatest distresses, had yet conducted himself with so much prudence, as to prevent the English from acquiring one foot of land in the kingdom; and it were better for the king to accept by a peace what he had in vain attempted to acquire by hostilities, which, however hitherto successful, had been extremely expensive, and might prove very dangerous. And that Edward having acquired so much glory by his arms, the praise of moderation was the only honor to which he could now aspire; an honor so much the greater, as it was durable, was united with that of prudence, and might be attended with the most real advantages.<sup>28</sup>

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<sup>28</sup> Froissard, liv. i. chap. 211.

These reasons induced Edward to accept of more moderate terms of peace; and it is probable that, in order to palliate this change of resolution, he ascribed it to a vow made during a dreadful tempest, which attacked his army on their march, and which ancient historians represent as the cause of this sudden accommodation.<sup>29</sup> The conferences between the English and French commissioners were carried on during a few days at Bretigni, in the Chartraine, and the peace was at last concluded on the following conditions:<sup>30</sup> it was stipulated that King John should be restored to his liberty, and should pay as his ransom three millions of crowns of gold, about one million five hundred thousand pounds of our present money;<sup>31</sup> which was to be discharged at different payments: that Edward should forever renounce all claim to the crown of France, and to the provinces of Normandy, Maine, Touraine, and Anjou, possessed by his ancestors; and should receive in exchange the provinces of Poictou, Xaintonge, l'Agenois, Perigord, the Limousin, Quercy, Rovergue, l'Angoumois, and other

districts in that quarter, together with Calais, Guisnes, Montreuil, and the county of Ponthieu, on the other side of France: that the full sovereignty of all these provinces, as well as that of Guienne, should be vested in the crown of England, and that France should renounce all title to feudal jurisdiction, homage, or appeal from them: that the king of Navarre should be restored to all his honors and possessions: that Edward should renounce his confederacy with the Flemings, John his connections with the Scots: that the disputes concerning the succession of Brittany, between the families of Blois and Mountfort, should be decided by arbiters appointed by the two kings; and if the competitors refused to submit to the award, the dispute should no longer be a ground of war between the kingdoms; and that forty hostages, such as should be agreed on, should be sent to England as a security for the execution of all these conditions.<sup>32</sup>.....

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<sup>29</sup>..... Froissard, liv. i. chap. 211.

<sup>30</sup>..... Rymer, vol. vi. p. 178. Froissard, liv. i. chap. 212.

<sup>31</sup>..... This is a prodigious sum, and probably near the half of what the king received from the parliament during the whole course of his reign. It must be remarked, that a tenth and fifteenth (which was always thought a high grant) were, in the eighth year of this reign, fixed at about twenty-nine thousand pounds; there were said to be near thirty thousand sacks of wool exported every year. A sack of wool was at a medium sold for five pounds. Upon these suppositions it would be easy to compute all the parliamentary grants, taking the list as they stand in Tyrrel, vol. iii. p. 780; though somewhat must still be left to conjecture. This king levied more money on his subjects than any of his predecessors; and the parliament frequently complain of the poverty of the people, and the oppressions under which they labored. But it is to be remarked, that a third of the French king's ransom was yet unpaid when war broke out anew between the two crowns. His son chose rather to employ his money in combating the English, than in enriching them. See Rymer, vol. viii. p. 315.]

<sup>32</sup>..... The hostages were the two sons of the French king, John and Lewis; his brother Philip, duke of Orleans, the duke of Bourbon, James de Bourbon count de Ponthieu, the counts d'Eu, de Longueville, de St. Pol, de Harcourt, de Vendome, de Couci, de Craon, de Montmorenci, and many of the chief nobility of France. The princes were mostly released on the fulfilling of certain articles: others of the hostages, and the duke of Berry among the rest, were permitted to return upon their parole, which they did not keep. Rymer, vol. vi. p. 278, 285, 287.

In consequence of this treaty, the king of France was brought over to Calais; whither Edward also soon after repaired; and there both princes solemnly ratified the treaty.

John was sent to Boulogne; the king accompanied him a mile on his journey; and the two monarchs parted with many professions, probably cordial and sincere, of mutual amity.<sup>33</sup> The good disposition of John made him fully sensible of the generous treatment which he had received in England, and obliterated all memory of the ascendant gained over him by his rival. There seldom has been a treaty of so great importance so faithfully executed by both parties. Edward had scarcely from the beginning entertained any hopes of acquiring the crown of France: by restoring John to his liberty, and making peace at a juncture so favorable to his arms, he had now plainly renounced all pretensions of this nature; he had sold at a very high price that chimerical claim; and had at present no other interest than to retain those acquisitions which he had made with such singular prudence and good fortune. John, on the other hand, though the terms were severe, possessed such fidelity and honor, that he was determined at all hazards to execute them, and to use every expedient for satisfying a monarch who had indeed been his greatest political enemy, but had treated him personally with singular humanity and regard. But, notwithstanding his endeavors, there occurred many difficulties in fulfilling his purpose; chiefly from the extreme reluctance which many towns and vassals in the neighborhood of Guienne expressed against submitting to the English dominion;<sup>34</sup> and John, in order to adjust these differences, took a resolution of coming over himself to England.

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<sup>33</sup> Froissard, liv. i. chap. 213.

<sup>34</sup> Froissard, liv. i. chap. 214.

His council endeavored to dissuade him from this rash design; and <sup>1363</sup> probably would have been pleased to see him employ more chicanes for eluding the execution of so disadvantageous a treaty: but John replied to them, that though good faith were banished from the rest of the earth, she

ought still to retain her habitation in the breasts of princes. Some historians would detract from the merit of this honorable conduct, by representing John as enamored of an English lady, to whom he was glad on this pretence to pay a visit; but besides that this surmise is not founded on any good authority, it appears somewhat unlikely on account of the advanced age of that prince, who was now in his fifty-sixth year.

He was lodged in the Savoy; the palace where he had resided during his <sup>1364</sup> captivity, and where he soon after sickened and died. Nothing can be a stronger proof of the great dominion of fortune over men, than the calamities which pursued a monarch of such eminent valor, goodness, and honor, and which he incurred merely by reason of some slight imprudences, which, in other situations, would have been of no importance. But though both his reign and that of his father proved extremely unfortunate to their kingdom, the French crown acquired, during their time, very considerable accessions—those of Dauphiny and Burgundy. This latter province, however, John had the imprudence again to dismember by bestowing it on Philip, his fourth son, the object of his most tender affections;<sup>35</sup> a deed which was afterwards the source of many calamities to the kingdom.

John was succeeded in the throne by Charles the dauphin, a prince educated in the school of adversity, and well qualified, by his consummate prudence and experience, to repair all the losses which the kingdom had sustained from the errors of his two predecessors. Contrary to the practice of all the great princes of those times, which held nothing in estimation but military courage, he seems to have fixed it as a maxim never to appear at the head of his armies; and he was the first king in Europe that showed the advantage of policy, foresight, and judgment, above a rash and precipitate valor. The events of his reign, compared with those of the preceding, are a proof how little reason kingdoms have to value themselves on their victories, or to be humbled by their defeats; which in reality ought to be ascribed chiefly to the good or bad conduct of their rulers, and are of little moment towards determining national characters and manners.

Before Charles could think of counterbalancing so great a power as England, it was necessary for him to remedy the many disorders to which his own kingdom was exposed. He turned his arms against the king of

Navarre, the great disturber of France during that age; he defeated this prince by the conduct of Bertrand du Guesclin, a gentleman of Brittany, one of the most accomplished characters of the age, whom he had the discernment to choose as the instrument of all his victories:<sup>36</sup> and he obliged his enemy to accept of moderate terms of peace.

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<sup>35</sup> Rymer, vol. vi. p. 421.

<sup>36</sup> Froissard, liv. i. chap. 119, 120.

Du Guesclin was less fortunate in the wars of Brittany, which still continued, notwithstanding the mediation of France and England: he was defeated and taken prisoner at Auray by Chandos: Charles of Blois was there slain, and the young count of Mountfort soon after got entire possession of that duchy.<sup>37</sup> But the prudence of Charles broke the force of this blow: he submitted to the decision of fortune: he acknowledged the title of Mountfort, though a zealous partisan of England; and received the proffered homage for his dominions. But the chief obstacle which the French king met with in the settlement of the state, proceeded from obscure enemies, whom their crimes alone rendered eminent, and their number dangerous.

On the conclusion of the treaty of Bretigni, the many military adventurers who had followed the standard of Edward being dispersed into the several provinces, and possessed of strongholds, refused to lay down their arms, or relinquish a course of life to which they were now accustomed, and by which alone they could gain a subsistence.<sup>38</sup> They associated themselves with the banditti, who were already inured to the habits of rapine and violence; and under the name of the “companies” and “companions,” became a terror to all the peaceable inhabitants. Some English and Gascon gentlemen of character, particularly Sir Matthew Gournay, Sir Hugh Calverly, the chevalier Verte, and others, were not ashamed to take the command of these ruffians, whose numbers amounted on the whole to near forty thousand, and who bore the appearance of regular armies, rather than bands of robbers. These leaders fought pitched battles with the troops of France, and gained victories; in

one of which Jaques de Bourbon, a prince of the blood, was slain:<sup>39</sup> and they proceeded to such a height, that they wanted little but regular establishments to become princes, and thereby sanctify, by the maxims of the world, their infamous profession. The greater spoil they committed on the country, the more easy they found it to recruit their number: all those who were reduced to misery and despair, flocked to their standard: the evil was every day increasing; and though the pope declared them excommunicated, these military plunderers, however deeply affected with the sentence, to which they paid a much greater regard than to any principles of morality, could not be induced by it to betake themselves to peaceable or lawful professions.

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<sup>37</sup> Froissard, liv. i. chap. 227, 228, etc. Walsing, p. 180.

<sup>38</sup> Froissard, liv. i. chap. 214.

<sup>39</sup> Froissard, liv. i. chap, 214, 215.

As Charles was not able by power to redress so enormous a <sup>1366</sup> grievance, he was led by necessity, and by the turn of his character, to correct it by policy, and to contrive some method of discharging into foreign countries this dangerous and intestine evil.

Peter, king of Castile, stigmatized by his contemporaries and by posterity with the epithet of Cruel, had filled with blood and murder his kingdom and his own family; and having incurred the universal hatred of his subjects, he kept from present terror alone, an anxious and precarious possession of the throne. His nobles fell every day the victims of his severity: he put to death several of his natural brothers, from groundless jealousy: each murder, by multiplying his enemies, became the occasion of fresh barbarities; and as he was not destitute of talents, his neighbors, no less than his own subjects, were alarmed at the progress of his violence and injustice. The ferocity of his temper, instead of being softened by his strong propensity to love, was rather inflamed by that passion, and took thence new occasion to exert itself. Instigated by Mary de Padilla, who had acquired the ascendant over him, he threw into prison Blanche de

Bourbon, his wife, Bister to the queen of France; and soon after made way by poison for the espousing of his mistress.

Henry, count of Transtamare, his natural brother, seeing the fate of every one who had become obnoxious to this tyrant, took arms against him; but being foiled in the attempt, he sought for refuge in France, where he found the minds of men extremely inflamed against Peter, on account of his murder of the French princess. He asked permission of Charles to enlist the “companies” in his service, and to lead them into Castile; where, from the concurrence of his own friends, and the enemies of his brother, he had the prospect of certain and immediate success. The French king, charmed with the project, employed Du Guesclin in negotiating with the leaders of these banditti. The treaty was soon concluded. The high character of honor which that general possessed, made every one trust to his promises: though the intended expedition was kept a secret, the “companies” implicitly enlisted under his standard; and they required no other condition before their engagement, than an assurance that they were not to be led against the prince of Wales in Guienne. But that prince was so little averse to the enterprise, that he allowed some gentlemen of his retinue to enter into the service under Du Guesclin.

Du Guesclin, having completed his levies, led the army first to Avignon, where the pope then resided, and demanded, sword in hand, an absolution for his soldiers, and the sum of two hundred thousand livres. The first was readily promised him; some more difficulty was made with regard to the second. “I believe that my fellows,” replied Du Guesclin, “may make a shift to do without your absolution; but the money is absolutely necessary.” The pope then extorted from the inhabitants in the city and neighborhood the sum of a hundred thousand livres, and offered it to Du Guesclin. “It is not my purpose,” cried that generous warrior, “to oppress the innocent people. The pope and his cardinals themselves can well spare me that sum from their own coffers. This money, I insist, must be restored to the owners. And should they be defrauded of it, I shall myself return from the other side of the Pyrenees, and oblige you to make them restitution.” The pope found the necessity of submitting, and paid him from his treasury the sum demanded.<sup>40</sup> The army, hallowed by the

blessings, and enriched by the spoils, of the church, proceeded on their expedition.

These experienced and hardy soldiers, conducted by so able a general, easily prevailed over the king of Castile, whose subjects, instead of supporting their oppressor, were ready to join the enemy against him.<sup>41</sup> Peter fled from his dominions took shelter in Guienne, and craved the protection of the prince of Wales, whom his father had invested with the sovereignty of these conquered provinces, by the title of the principality of Aquitaine.<sup>42</sup>

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<sup>40</sup> Hist. du Guesclin.

<sup>41</sup> Froissard, liv. i. chap 230.

<sup>42</sup> Rymer, vol. vi. p. 384. Froissard, liv. i. chap. 231.

The prince seemed now to have entirely changed his sentiments <sup>1367</sup> with regard to the Spanish transactions: whether that he was moved by the generosity of supporting a distressed prince, and thought, as is but too usual among sovereigns, that the rights of the people were a matter of much less consideration; or dreaded the acquisition of so powerful a confederate to France as the new king of Castile; or, what is most probable, was impatient of rest and ease, and sought only an opportunity for exerting his military talents, by which he had already acquired so much renown. He promised his assistance to the dethroned monarch; and having obtained the consent of his father, he levied a great army, and set out upon his enterprise. He was accompanied by his younger brother, John of Gaunt, created duke of Lancaster, in the room of the good prince of that name, who had died without any male issue, and whose daughter he had espoused. Chandos, also, who bore among the English the same character which Du Guesclin had acquired among the French, commanded under him in this expedition.

The first blow which the prince of Wales gave to Henry of Transtamare, was the recalling of all the “companies” from his service; and so much reverence did they bear to the name of Edward, that great numbers of them immediately withdrew from Spain, and enlisted under



his banners. Henry, however, beloved by his new subjects, and supported by the king of Arragon and others of his neighbors, was able to meet the enemy with an army of one hundred thousand men; forces three times more numerous than those which were commanded by Edward. Du Guesclin, and all his experienced officers, advised him to delay any decisive action, to cut off the prince of Wales's provisions, and to avoid every engagement with a general, whose enterprises had hitherto been always conducted with prudence, and crowned with success. Henry trusted too much to his numbers; and ventured to encounter the English prince at Najara.<sup>43</sup>

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<sup>43</sup> Froissard, liv. i. chap. 241.

Historians of that age are commonly very copious in describing the shock of armies in battle, the valor of the combatants, the slaughter and various successes of the day: but though small rencounters in those times were often well disputed, military discipline was always too imperfect to preserve order in great armies; and such actions deserve more the name of routs than of battles. Henry was chased off the field, with the loss of above twenty thousand men: there perished only four knights and forty private men on the side of the English.

Peter, who so well merited the infamous epithet which he bore, purposed to murder all his prisoners in cold blood; but was restrained from this barbarity by the remonstrance, of the prince of Wales. All Castile now submitted to the victor: Peter was restored to the throne; and Edward finished his perilous enterprise with his usual glory. But he had soon reason to repent his connections with a man like Peter, abandoned to all sense of virtue and honor. The ungrateful tyrant refused the stipulated pay to the English forces; and Edward finding his soldiers daily perish by sickness, and even his own health impaired by the climate, was obliged, without receiving any satisfaction on this head, to return into Guienne.<sup>44</sup>

The barbarities exercised by Peter over his helpless subjects, whom he now regarded as vanquished rebels, revived all the animosity of the Castilians against him; and on the return of Henry of Transtamare,

together with Du Guesclin, and some forces levied anew in France, the tyrant was again dethroned, and was taken prisoner. His brother, in resentment of his cruelties, murdered him with his own hand: and was placed on the throne of Castile, which he transmitted to his posterity. The duke of Lancaster, who espoused in second marriage the eldest daughter of Peter, inherited only the empty title of that sovereignty, and, by claiming the succession, increased the animosity of the new king of Castile against England.

But the prejudice which the affairs of Prince Edward received from this <sup>1368</sup>. splendid though imprudent expedition, ended not with it. He had involved himself in so much debt by his preparations and the pay of his troops, that he found it necessary, on his return, to impose on his principality a new tax, to which some of the nobility consented with extreme reluctance, and to which others absolutely refused to submit.<sup>45</sup>

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<sup>44</sup> Froissard, liv. i. chap. 242, 243. Walsing. p. 182.

<sup>45</sup> This tax was a livre upon a hearth; and it was imagined that the imposition would have yielded one million two hundred thousand livres a year, which supposes so many hearths in the provinces possessed by the English. But such loose conjectures have commonly no manner of authority, much less in such ignorant times. There is a strong instance of it in the present reign. The house of commons granted the king a tax of twenty-two shillings on each parish, supposing that the amount of the whole would be fifty thousand pounds. But they were found to be in a mistake of near five to one. Cotton, p. 3. And the council assumed the power of augmenting the tax upon each parish.

This incident revived the animosity which the inhabitants bore to the English, and which all the amiable qualities of the prince of Wales were not able to mitigate or assuage. They complained that they were considered as a conquered people, that their privileges were disregarded, that all trust was given to the English alone, that every office of honor and profit was conferred on these foreigners, and that the extreme reluctance, which most of them had expressed, to receive the new yoke, was likely to be long remembered against them. They cast, therefore, their eyes towards their ancient sovereign, whose prudence they found had now brought the

affairs of his kingdom into excellent order; and the counts of Armagnac, Comminge, and Perigord, the lord d'Albret, with other nobles, went to Paris, and were encouraged to carry their complaints to Charles, as to their lord paramount, against these oppressions of the English government.<sup>46</sup>

In the treaty of Bretign it had been stipulated, that the two kings should make renunciations; Edward, of his claim to the crown of France, and to the provinces of Normandy, Maine, and Anjou; John, of the homage and fealty due for Guienne and the other provinces ceded to the English. But when that treaty was confirmed and renewed at Calais, it was found necessary, as Edward was not yet in possession of all the territories, that the mutual renunciations should for some time be deferred; and it was agreed, that the parties, meanwhile, should make no use of their respective claims against each other.<sup>47</sup> Though the failure in exchanging these renunciations had still proceeded from France,<sup>48</sup> Edward appears to have taken no umbrage at it; both because this clause seemed to give him entire security, and because some reasonable apology had probably been made to him for each delay. It was, however, on this pretence, though directly contrary to treaty, that Charles resolved to ground his claim of still considering himself as superior lord of those provinces, and of receiving the appeals of his sub-vassals.<sup>49</sup>

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<sup>46</sup> Froissard, liv. i. chap. 244.

<sup>47</sup> Rymer, vol. vi. p. 219, 230, 234, 237, 243.

<sup>48</sup> Rot. Franc. 35, Edward III. from Tyrrel, vol. iii p. 643.

<sup>49</sup> Froissard. liv. i. chap. 245.

But as views of policy, more than those of justice, enter into the <sup>1369</sup> deliberations of princes; and as the mortal injuries received from the English, the pride of their triumphs, the severe terms imposed by the treaty of peace, seemed to render every prudent means of revenge honorable against them; Charles was determined to take this measure, less by the reasonings of his civilians and lawyers, than by the present situation of the two monarchies. He considered the declining years of Edward, the languishing state of the prince of Wales's health, the affection which the

inhabitants of all these provinces bore to their ancient master, their distance from England, their vicinity to France, the extreme animosity expressed by his own subjects against these invaders, and their ardent thirst of vengeance; and having silently made all the necessary preparations, he sent to the prince of Wales a summons to appear in his court at Paris, and there to justify his conduct towards his vassals. The prince replied, that he would come to Paris, but it should be at the head of sixty thousand men.<sup>50</sup> The unwarlike character of Charles kept Prince Edward, even yet, from thinking that that monarch was in earnest in this bold and hazardous attempt.

It soon appeared what a poor return the king had received by his distant conquests for all the blood and treasure expended in the quarrel, and how impossible it was to retain acquisitions, in an age when no regular force could be maintained sufficient to defend them against the revolt of the inhabitants, especially if that danger was joined with the invasion of a foreign enemy.

Charles fell first upon Ponthieu, which gave the English an inlet into the <sup>1370.</sup> heart of France: the citizens of Abbeville opened their gates to him:<sup>51</sup> those of St. Valori, Rue, and Crotoy imitated the example, and the whole country was, in a little time, reduced to submission. The dukes of Berri and Anjou, brothers to Charles, being assisted by Du Guesclin, who was recalled from Spain, invaded the southern provinces; and by means of their good conduct, the favorable dispositions of the people, and the ardor of the French nobility, they made every day considerable progress against the English. The state of the prince of Wales's health did not permit him to mount on horseback, or exert his usual activity: Chandos, the constable of Guienne, was slain in one action;<sup>52</sup> the Captal de Buche, who succeeded him in that office, was taken prisoner in another:<sup>53</sup> and when young Edward himself was obliged by his increasing infirmities to throw up the command, and return to his native country, the affairs of the English in the south of France seemed to be menaced with total ruin.

The king, incensed at these injuries, threatened to put to death all the French hostages who remained in his hands; but on reflection abstained from that ungenerous revenge. After resuming, by advice of parliament,

the vain title of king of France,<sup>54</sup> he endeavored to send succors into Gascony, but all his attempts, both by sea and land, proved unsuccessful.

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<sup>50</sup> Froissard, liv. i. chap. 247, 248.

<sup>51</sup> Walsing. p. 183.

<sup>52</sup> Froissard, liv. i. chap. 277. Walsing, p. 185.

<sup>53</sup> Froissard, liv. i. chap. 310.

The earl of Pembroke was intercepted at sea, and taken prisoner with his whole army, near Rochelle, by a fleet which the king of Castile had fitted out for that purpose;<sup>55</sup> Edward himself embarked for Bordeaux with another army; but was so long detained by contrary winds, that he was obliged to lay aside the enterprise.<sup>56</sup> Sir Robert Knolles, at the head of thirty thousand men, marched out of Calais, and continued his ravages to the gates of Paris, without being able to provoke the enemy to an engagement: he proceeded in his march to the provinces of Maine and Anjou, which he laid waste; but part of his army being there defeated by the conduct of Du Guesclin, who was now created constable of France, and who seems to have been the first consummate general that had yet appeared in Europe, the rest were scattered and dispersed, and the small remains of the English forces, instead of reaching Guienne, took shelter in Brittany, whose sovereign had embraced the alliance of England.<sup>57</sup> The duke of Lancaster, some time after, made a like attempt with an army of twenty-five thousand men; and marched the whole length of France from Calais to Bordeaux: but was so much harassed by the flying parties which attended him, that he brought not the half of his army to the place of their destination. Edward, from the necessity of his affairs was at last obliged to conclude a truce with the enemy;<sup>58</sup> after almost all his ancient possessions in France had been ravished from him, except Bordeaux and Bayonne, and all his conquests, except Calais.

The decline of the king's life was exposed to many mortifications, and corresponded not to the splendid and noisy scenes which had filled the beginning and the middle of it. Besides seeing the loss of his foreign dominions, and being baffled in every attempt to defend them, he felt the

decay of his authority at home; and experienced, from the sharpness of some parliamentary remonstrances, the great inconstancy of the people, and the influence of present fortune over all their judgments.<sup>59</sup>

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<sup>54</sup> Froissard, liv. i. chap. 302, 303, 304. Walsing. p. 186.

<sup>55</sup> Froissard, liv. i. chap. 311. Walsing. p. 187.

<sup>56</sup> Froissard, liv. i. chap. 291. Walsing. p. 185.

<sup>57</sup> Froissard, liv, i. chap. 311. Walsing. p. 187.

This prince, who, during the vigor of his age, had been chiefly occupied in the pursuits of war and ambition, began, at an unseasonable period, to indulge himself in pleasure; and being now a widower, he attached himself to a lady of sense and spirit, one Alice Pierce, who acquired a great ascendant over him, and by her influence gave such general disgust that, in order to satisfy the parliament, he was obliged to remove her from court.<sup>60</sup>

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<sup>58</sup> Walsing, p. 189.

The indolence also, naturally attending old age and infirmities, had made him in a great measure resign the administration into the hands of his son, the duke of Lancaster, who, as he was far from being popular, weakened extremely the affection which the English bore to the person and government of the king. Men carried their jealousies very far against the duke; and as they saw, with much regret, the death of the prince of Wales every day approaching, they apprehended lest the succession of his son Richard, now a minor, should be defeated by the intrigues of Lancaster, and by the weak indulgence of the old king. But Edward, in order to satisfy both the people and the prince on this head, declared in parliament his grandson heir and successor to the crown; and thereby cut off all the hopes of the duke of Lancaster, if he ever had the temerity to entertain any.

The prince of Wales, after a lingering illness, died in the forty-sixth year <sup>1376</sup> of his age; and left a character illustrious for every eminent virtue, and, from his earliest youth till the hour he expired, unstained by any blemish.

His valor and military talents formed the smallest part of his merit: his generosity, humanity, affability, moderation, gained him the affections of all men; and he was qualified to throw a lustre, not only on that rude age in which he lived, and which nowise infected him with its vices, but on the most shining period of ancient or modern history.

The king survived about a year this melancholy incident: England was <sup>1377</sup> deprived at once of both these princes, its chief ornament and support: he expired in the sixty-fifth year of his age and the fifty-first of his reign; and the people were then sensible, though too late, of the irreparable loss which they had sustained.

The English are apt to consider with peculiar fondness the history of Edward III., and to esteem his reign, as it was one of the longest, the most glorious also, that occurs in the annals of their nation. The ascendant which they then began to acquire over France, their rival and supposed national enemy, makes them cast their eyes on this period with great complacency, and sanctifies every measure which Edward embraced for that end. But the domestic government of this prince is really more admirable than his foreign victories; and England enjoyed, by the prudence and vigor of his administration, a longer interval of domestic peace and tranquillity than she had been blessed with in any former period, or than she experienced for many ages after. He gained the affections of the great, yet curbed their licentiousness: he made them feel his power, without their daring, or even being inclined, to murmur at it: his affable and obliging behavior, his munificence and generosity, made them submit with pleasure to his dominion; his valor and conduct made them successful in most of their enterprises; and their unquiet spirits, directed against a public enemy, had no leisure to breed those disturbances to which they were naturally so much inclined, and which the frame of the government seemed so much to authorize. This was the chief benefit which resulted from Edward's victories and conquests. His foreign wars were, in other respects, neither founded in justice, nor directed to any salutary purpose. His attempt against the king of Scotland, a minor and a brother-in-law, and the revival of his grandfather's claim of superiority over that kingdom, were both unreasonable and ungenerous; and he allowed himself to be too easily seduced, by the glaring prospect of French

conquests, from the acquisition of a point which was practicable, and which, if attained, might really have been of lasting utility to his country and his successors. The success which he met with in France, though chiefly owing to his eminent talents, was unexpected; and yet, from the very nature of things, not from any unforeseen accidents, was found, even during his lifetime, to have procured him no solid advantages. But the glory of a conqueror is so dazzling to the vulgar, the animosity of nations is so violent, that the fruitless desolation of so fine a part of Europe as France, is totally disregarded by us, and is never considered as a blemish in the character or conduct of this prince. And indeed, from the unfortunate state of human nature, it will commonly happen, that a sovereign of genius, such as Edward, who usually finds every thing easy in his domestic government, will turn himself towards military enterprises, where alone he meets with opposition, and where he has full exercise for his industry and capacity.

Edward had a numerous posterity by his queen, Philippa of Hainault. His eldest son was the heroic Edward, usually denominated the Black Prince from the color of his armor. This prince espoused his cousin Joan, commonly called the “fair maid of Kent,” daughter and heir of his uncle, the earl of Kent, who was beheaded in the beginning of this reign. She was first married to Sir Thomas Holland, by whom she had children. By the prince of Wales she had a son, Richard, who alone survived his father.

The second son of King Edward (for we pass over such as died in their childhood) was Lionel, duke of Clarence, who was first married to Elizabeth de Burgh, daughter and heir of the earl of Ulster, by whom he left only one daughter, married to Edmund Mortimer, earl of Marche. Lionel espoused in second marriage Violante, the daughter of the duke of Milan,<sup>61</sup> and died in Italy soon after the consummation of his nuptials, without leaving any posterity by that princess. Of all the family, he resembled most his father and elder brother in his noble qualities.

Edward’s third son was John of Gaunt, so called from the place of his birth: he was created duke of Lancaster; and from him sprang that branch which afterwards possessed the the crown. The fourth son of this royal family was Edmund created earl of Cambridge by his father, and duke of York by his nephew. The fifth son was Thomas, who received the title of



earl of Buckingham from his father, and that of duke of Gloucester from his nephew. In order to prevent confusion, we shall always distinguish these two princes by the titles of York and Gloucester, even before they were advanced to them.

There were also several princesses born to Edward by Philippa; to wit, Isabella, Joan, Mary, and Margaret, who espoused, in the order of their names, Ingelram de Coucy, earl of Bedford, Alphonso, king of Castile, John of Mountfort, duke of Brittany, and John Hastings, earl of Pembroke. The princess Joan died at Bordeaux before the consummation of her marriage.

It is remarked by an elegant historian,<sup>62</sup> that conquerors though usually the bane of human kind, proved often, in those feudal times, the most indulgent of sovereigns: they stood most in need of supplies from their people; and not being able to compel them by force to submit to the necessary impositions, they were obliged to make them some compensation, by equitable laws and popular concessions.

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<sup>59</sup> Rymer, vol. vi. p. 564.

<sup>60</sup> Dr. Robertson's Hist. of Scot. book i.

This remark is, in some measure, though imperfectly, justified by the conduct of Edward III. He took no steps of moment without consulting his parliament, and obtaining their approbation, which he afterwards pleaded as a reason for their supporting his measures.<sup>63</sup> The parliament, therefore, rose into greater consideration during his reign, and acquired more regular authority, than in any former time; and even the house of commons, which, during turbulent and factious periods, was naturally depressed by the greater power of the crown and barons, began to appear of some weight in the constitution. In the latter years of Edward, the king's ministers were impeached in parliament, particularly Lord Latimer, who fell a sacrifice to the Authority of the commons;<sup>64</sup> and they even obliged the king to banish his mistress by their remonstrances. Some attention was also paid to the election of their members; and lawyers in particular,

who were at that time men of a character somewhat inferior, were totally excluded the house during several parliaments.<sup>65</sup>

One of the most popular laws enacted by any prince, was the statute which passed in the twenty-fifth of this reign,<sup>66</sup> and which limited the cases of high treason, before vague and uncertain, to three principal heads —conspiring the death of the king, levying war against him, and adhering to his enemies and the judges were prohibited, if any other cases should occur, from inflicting the penalty of treason without an application to parliament. The bounds of treason were indeed so much limited by this statute, which still remains in force without any alteration, that the lawyers were obliged to enlarge them, and to explain a conspiracy for levying war against the king, to be equivalent to a conspiracy against his life; and this interpretation, seemingly forced, has, from the necessity of the case, been tacitly acquiesced in.

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<sup>61</sup> Cotton's Abridg. p. 108, 120.

<sup>62</sup> Cotton's Abridg. p. 122.

<sup>63</sup> Cotton's Abridg. p. 18.

<sup>64</sup> Chap. 2.

It was also ordained that a parliament should be held once a year, or oftener, if need be; a law which, like many others, was never observed and lost its authority by disuse.<sup>67</sup>

Edward granted above twenty parliamentary confirmations of the Great Charter; and these concessions are commonly appealed to as proofs of his great indulgence to the people, and his tender regard for their liberties. But the contrary presumption is more natural. If the maxims of Edward's reign had not been in general somewhat arbitrary, and if the Great Charter had not been frequently violated, the parliament would never have applied for these frequent confirmations, which could add no force to a deed regularly observed, and which could serve to no other purpose, than to prevent the contrary precedents from turning into a rule, and acquiring authority. It was indeed the effect of the irregular

government during those ages, that a statute which had been enacted some years, instead of acquiring, was imagined to lose, force by time, and needed to be often renewed by recent statutes of the same sense and tenor. Hence likewise that general clause, so frequent in old acts of parliament, that the statutes, enacted by the king's progenitors, should be observed;<sup>68</sup> a precaution which, if we do not consider the circumstances of the times, might appear absurd and ridiculous. The frequent confirmations in general terms of the privileges of the church proceeded from the same cause.

It is a clause in one of Edward's statutes, "that no man, of what estate or condition soever, shall be put out of land or tenement, nor taken, nor imprisoned, nor disherited, nor put to death, without being brought in answer by due process of the law."<sup>69</sup> This privilege was sufficiently secured by a clause of the Great Charter, which had received a general confirmation in the first chapter of the same statute. Why then is the clause so anxiously, and, as we may think, so superfluously repeated? Plainly, because there had been some late infringements of it, which gave umbrage to the commons.<sup>70</sup>

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<sup>65</sup> 4 Edward III. cap. 14.

<sup>66</sup> 36 Edward III. cap. 1. 37 Edward III. cap. 1, etc.

<sup>67</sup> 28 Edward III. cap. 3.

<sup>68</sup> They assert, in the fifteenth of this reign, that there had been such instances. Cotton's Abridg. p. 31. They repeat the same in the twenty-first year. See p. 59.

But there is no article in which the laws are more frequently repeated during this reign, almost in the same terms, than that of purveyance which the parliament always calls an outrageous and intolerable grievance, and the source of infinite damage to the people.<sup>71</sup> The parliament tried to abolish this prerogative altogether, by prohibiting any one from taking goods without the consent of the owners,<sup>72</sup> and by changing the heinous name of purveyors, as they term it, into that of buyers;<sup>73</sup> but the arbitrary conduct of Edward still brought back the grievance upon them, though

contrary both to the Great Charter and to many statutes. This disorder was in a great measure derived from the state of the public finances, and of the kingdom; and could therefore the less admit of remedy. The prince frequently wanted ready money; yet his family must be subsisted: he was therefore obliged to employ force and violence for that purpose, and to give tallies, at what rate he pleased, to the owners of the goods which he laid hold of. The kingdom also abounded so little in commodities, and the interior communication was so imperfect, that had the owners been strictly protected by law, they could easily have exacted any price from the king; especially in his frequent progresses, when he came to distant and poor places, where the court did not usually reside, and where a regular plan for supplying it could not be easily established. Not only the king, but several great lords, insisted upon this right of purveyance within certain districts.<sup>74</sup>

The magnificent Castle of Windsor was built by Edward III., and his method of conducting the work may serve as a specimen of the condition of the people in that age. Instead of engaging workmen by contracts and wages, he assessed every county in England to send him a certain number of masons, tilers, and carpenters, as if he had been levying an army.<sup>75</sup>

They mistake, indeed, very much the genius of this reign, who imagine that it was not extremely arbitrary. All the high prerogatives of the crown were to the full exerted in it; but what gave some consolation, and promised in time some relief to the people, they were always complained of by the commons: such as the dispensing power;<sup>76</sup> the extension of the forests;<sup>77</sup> erecting monopolies;<sup>78</sup> exacting loans—<sup>79</sup>

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<sup>69</sup> 36 Edward III. etc.

<sup>70</sup> 14 Edward III. cap. 19.

<sup>71</sup> 36 Edward III. cap. 2.

<sup>72</sup> 7 Richard II. cap. 8.

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<sup>73</sup> Cotton's Abridg. p. 71.

<sup>74</sup> Cotton's Abridg. p. 56, 61, 122.

<sup>75</sup> Rymer, vol. v. p. 491, 574. Cotton's Abridg. p. 56.

—stopping justice by particular warrants;<sup>80</sup> the renewal of the commission of “trailbaton;”<sup>81</sup> pressing men and ships into the public service;<sup>82</sup> levying arbitrary and exorbitant fines;<sup>83</sup> extending the authority of the privy council or star-chamber to the decision of private causes;<sup>84</sup> enlarging the power of the mareschal's and other arbitrary courts;<sup>85</sup> imprisoning members for freedom of speech in parliament;<sup>86</sup> obliging people without any rule to send recruits of men at arms, archers, and hoblers to the army.<sup>87</sup>

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<sup>76</sup> Cotton, p. 114.

<sup>77</sup> Cotton, p. 67.

<sup>78</sup> Cotton, p. 47, 79, 113.

<sup>79</sup> Cotton, p. 32.

<sup>80</sup> Cotton, p. 74.

<sup>81</sup> Walsing. p. 189, 190.

But there was no act of arbitrary power more frequently repeated in this reign, than that of imposing taxes without consent of parliament. Though that assembly granted the king greater supplies than had ever been obtained by any of his predecessors, his great undertakings, and the necessity of his affairs, obliged him to levy still more; and after his splendid success against France had added weight to his authority, these arbitrary impositions became almost annual and perpetual. Cotton's Abridgment of the records affords numerous instances of this kind, in the first<sup>88</sup> year of his reign, in the thirteenth year,<sup>89</sup> in the fourteenth,<sup>90</sup> in the twentieth,<sup>91</sup> in the twenty-first,<sup>92</sup> in the twenty-second,<sup>93</sup> in the twenty fifth,<sup>94</sup> in the thirty-eighth,<sup>95</sup> in the fiftieth,<sup>96</sup> and in the fifty-first.<sup>97</sup>

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<sup>82</sup> Tyrrel's Hist. vol. iii. p. 554, from the records.

<sup>83</sup> Rymer, vol. iv. p. 363.

<sup>84</sup>..... Page 17, 18.

<sup>85</sup>..... Page 39.

<sup>86</sup>..... Page 52, 53, 57, 58.

<sup>87</sup>..... Page 69.

<sup>88</sup>..... Page 76.

<sup>89</sup>..... Page 101.

<sup>90</sup>..... Page 138.

The king openly avowed and maintained this power of levying taxes at pleasure. At one time, he replied to the remonstrance made by the commons against it, that the impositions had been exacted from great necessity, and had been assented to by the prelates, earls, barons, and some of the commons;<sup>98</sup>..... at another, that he would advise with his council.<sup>99</sup>..... When the parliament desired that a law might be enacted for the punishment of such as levied these arbitrary impositions he refused compliance.<sup>100</sup>.....

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<sup>91</sup>..... Page 152.

<sup>92</sup>..... Cotton, p. 53. He repeats the same answer in p. 60. "Some of the commons" were such as he should be pleased to consult with.

<sup>93</sup>..... Cotton, p. 57.

In the subsequent year, they desired that the king might renounce this pretended prerogative; but his answer was, that he would levy no taxes without necessity for the defence of the realm, and where he reasonably might use that authority.<sup>101</sup>..... This incident passed a few days before his death; and these were, in a manner, his last words to his people. It would seem that the famous charter or statute of Edward I., "de tallagio non concedendo," though never repealed, was supposed to have already lost by age all its authority.

These facts can only show the practice of the times: for as to the right, the continual remonstrances of the commons may seem to prove that it

rather lay on their side: at least, these remonstrances served to prevent the arbitrary practices of the court from becoming an established part of the constitution. In so much a better condition were the privileges of the people even during the arbitrary reign of Edward III., than during some subsequent ones, particularly those of the Tudors, where no tyranny or abuse of power ever met with any check or opposition, or so much as a remonstrance, from parliament.

In this reign, we find, according to the sentiments of an ingenious and learned author, the first strongly marked and probably contested distinction between a proclamation by the king and his privy council, and a law which had received the assent of the lords and commons.<sup>102</sup>

It is easy to imagine, that a prince of so much sense and spirit as Edward, would be no slave to the court of Rome. Though the old tribute was paid during some years of his minority,<sup>103</sup> he afterwards withheld it; and when the pope, in 1367, threatened to cite him to the court of Rome for default of payment, he laid the matter before his parliament. That assembly unanimously declared, that King John could not, without a national consent, subject his kingdom to a foreign power; and that they were therefore determined to support their sovereign against this unjust pretension.<sup>104</sup>

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<sup>94</sup> Cotton, p. 132.

<sup>95</sup> Observations on the Statutes, p. 193.

<sup>96</sup> Rymer, vol. iv. p. 434.

<sup>97</sup> Cotton's Abridg. p. 110.

During this reign, the statute of provisors was enacted, rendering it penal to procure any presentations to benefices from the court of Rome, and securing the rights of all patrons and electors, which had been extremely encroached on by the pope.<sup>105</sup> By a subsequent statute, every person was outlawed who carried any cause by appeal to the court of Rome.<sup>106</sup>

The laity at this time seem to have been extremely prejudiced against the papal power, and even somewhat against their own clergy, because of

their connections with the Roman pontiff. The parliament pretended, that the usurpations of the pope were the cause of all the plagues, injuries, famine, and poverty of the realm; were more destructive to it than all the wars; and were the reason why it contained not a third of the inhabitants and commodities which it formerly possessed: that the taxes levied by him exceeded five times those which were paid to the king; that every thing was venal in that sinful city of Rome; and that even the patrons in England had thence learned to practise simony without shame or remorse.<sup>107</sup> At another time, they petitioned the king to employ no churchman in any office of state;<sup>108</sup> and they even speak in plain terms of expelling by force the papal authority, and thereby providing a remedy against oppressions, which they neither could, nor would, any longer endure.<sup>109</sup> Men who talked in this strain, were not far from the reformation: but Edward did not think proper to second all this zeal. Though he passed the statute of provisors, he took little care of its execution; and the parliament made frequent complaints of his negligence on this head.<sup>110</sup> He was content with having reduced such of the Romish ecclesiastics as possessed revenues in England, to depend entirely upon him by means of that statute.

As to the police of the kingdom during this period, it was certainly better than during times of faction, civil war, and disorder, to which England was so often exposed: yet were there several vices in the constitution, the bad consequences of which all the power and vigilance of the king could not prevent. The barons, by their confederacies with those of their own order, and by supporting and defending their retainers in every iniquity,<sup>111</sup> were the chief abettors of robbers, murderers, and ruffians of all kinds; and no law could be executed against those criminals.

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<sup>98</sup> 25 Edward III. 27 Edward III.

<sup>99</sup> 27 Edward III. 38 Edward III.

<sup>100</sup> Cotton, p. 74, 128, 129.

<sup>101</sup> Cotton, p. 112.

<sup>102</sup> Cotton, p. 119, 128, 129, 130, 143.

<sup>103</sup> 11 Edward III. cap. 14.

<sup>104</sup> 4 Edward III. cap.



The nobility were brought to give their promise in parliament, that they would not avow retain, or support any felon or breaker of the law;<sup>112</sup> yet this, engagement, which we may wonder to see exacted from men of their rank, was never regarded by them. The commons make continual complaints of the multitude of robberies, murders, rapes, and other disorders, which, they say, were become numberless in every part of the kingdom, and which they always ascribe to the protection that the criminals received from the great.<sup>113</sup> The king of Cyprus, who paid a visit to England in this reign, was robbed and stripped on the highway with his whole retinue.<sup>114</sup> Edward himself contributed to this dissolution of law, by his facility in granting pardons to felons, from the solicitation of the courtiers. Laws were made to retrench this prerogative,<sup>115</sup> and remonstrances of the commons were presented against the abuse of it,<sup>116</sup> but to no purpose. The gratifying of a powerful nobleman continued still to be of more importance than the protection of the people. The king also granted many franchises, which interrupted the course of justice and the execution of the laws.<sup>117</sup>

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<sup>106</sup> Cotton, p. 10.

<sup>107</sup> Cotton, p. 51, 62, 64, 70, 160.

<sup>108</sup> Walsing. p. 170.

<sup>109</sup> 10 Edward III. cap. 2. 27 Edward III. cap. 2.

<sup>110</sup> Cotton, p. 54.

Commerce and industry were certainly at a very low ebb during this period. The bad police of the country alone affords a sufficient reason. The only exports were wool, skins, hides leather, butter, tin, lead, and such unmanufactured goods, of which wool was by far the most considerable. Knyghton has asserted, that one hundred thousand sacks of wool were annually exported, and sold at twenty pounds a sack, money of that age. But he is widely mistaken both in the quantity exported and in the value.

In 1349, the parliament remonstrated, that the king, by an illegal imposition of forty shillings on each sack exported, had levied sixty thousand pounds a year:<sup>118</sup> which reduces the annual exports to thirty thousand sacks. A sack contained twenty-six stone, and each stone fourteen pounds;<sup>119</sup> and at a medium was not valued at above five pounds a sack,<sup>120</sup> that is, fourteen or fifteen pounds of our present money. Knyghton's computation raises it to sixty pounds, which is near four times the present price of wool in England.

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<sup>111</sup> Cotton, p. 48, 69.

<sup>112</sup> 34 Edward III. cap. 5.

<sup>113</sup> Cotton, p. 29.

According to this reduced computation, the export of wool brought into the kingdom about four hundred and thousand pounds of our present money, instead of six millions, which is an extravagant sum. Even the former sum is so high, as to afford a suspicion of some mistake in the computation of the parliament with regard to the number of sacks exported. Such mistakes were very usual in those ages.

Edward endeavored to introduce and promote the woollen manufacture, by giving protection and encouragement to foreign weavers,<sup>121</sup> and by enacting a law, which prohibited every one from wearing any cloth but of English fabric.<sup>122</sup> The parliament prohibited the exportation of woollen goods, which was not so well judged, especially while the exportation of unwrought wool was so much allowed and encouraged. A like injudicious law was made against the exportation of manufactured iron.<sup>123</sup>

It appears from a record in the exchequer, that in 1354 the exports of England amounted to two hundred and ninety-four thousand one hundred and eighty-four pounds seventeen shillings and twopence; the imports to thirty-eight thousand nine hundred and seventy pounds three shillings and sixpence, money of that time. This is a great balance, considering that it arose wholly from the exportation of raw wool and other rough materials. The import was chiefly linen and fine cloth, and some wine.

England seems to have been extremely drained at this time by Edward's foreign expeditions and foreign subsidies, which probably was the reason why the exports so much exceed the imports.

The first toll we read of in England for mending the highways, was imposed in this reign: it was that for repairing the road between St. Giles's and Temple Bar.<sup>124</sup>

In the first of Richard II., the parliament complain extremely of the decay of shipping during the preceding reign, and assert that one seaport formerly contained more vessels than were then to be found in the whole kingdom. This calamity they ascribe to the arbitrary seizure of ships by Edward for the service of his frequent expeditions.<sup>125</sup> The parliament in the fifth of Richard renew the same complaint;<sup>126</sup> and we likewise find it made in the forty-sixth of Edward III.

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<sup>114</sup> 11 Edward III. cap. 5. Rymer, vol. iv. p. 723. Murimuth p. 88.

<sup>115</sup> 11 Edward III. cap. 2.

<sup>116</sup> 28 Edward III. cap. 5.

<sup>117</sup> Rymer, vol. v. p. 520.

So false is the common opinion that this reign was favorable to commerce.

There is an order of this king, directed to the mayor and sheriffs of London, to take up all ships of forty ton and upwards, to be converted into ships of war.<sup>127</sup>

The parliament attempted the impracticable scheme of reducing the price of labor after the pestilence, and also that of poultry,<sup>128</sup> A reaper, in the first week of August, was not allowed above twopence a day, or near sixpence of our present money; in the second week, a third more. A master carpenter was limited through the whole year to threepence a day, a common carpenter to twopence, money of that age.<sup>129</sup> It is remarkable that, in the same reign, the pay of a common soldier, an archer, was sixpence a day; which, by the change both in denomination and value, would be equivalent to near five shillings of our present money.<sup>130</sup> Soldiers were then enlisted only for a very short time; they lived idle all the rest of

the year, and commonly all the rest of their lives: one successful campaign, by pay and plunder, and the ransom of prisoners, was supposed to be a small fortune to a man; which was a great allurements to enter into the service.<sup>131</sup>

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<sup>118</sup> Rymer, vol. iv. p. 664.

<sup>119</sup> 37 Edward III. cap. 3.

<sup>120</sup> 25 Edward III, cap. I. 3.

<sup>121</sup> Brady's Hist. vol. ii. App No. 92.

The staple of wool, wool-fells, leather, and lead, was fixed by act of parliament in particular towns of England.<sup>132</sup> Afterwards it was removed by law to Calais: but Edward, who commonly deemed his prerogative above law, paid little regard to these statutes; and when the parliament remonstrated with him on account of those acts of power, he plainly told them, that he would proceed in that matter as he thought proper.<sup>133</sup> It is not easy to assign the reason of this great anxiety for fixing a staple; unless, perhaps, it invited foreigners to a market, when they knew beforehand, that they should there meet with great choice of any particular species of commodity. This policy of inviting foreigners to Calais was carried so far, that all English merchants were prohibited by law from exporting any English goods from the staple; which was in a manner the total abandoning of all foreign navigation, except that to Calais;<sup>134</sup> a contrivance seemingly extraordinary.

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<sup>122</sup> Brady, *ibid.*

<sup>123</sup> Commodities seem to have risen since the conquest. Instead of being ten times cheaper than at present, they were, in the age of Edward III., only three or four times. This change seems to have taken place in a great measure since Edward I. The allowance granted by Edward III. to the earl of Murray, then a prisoner in Nottingham Castle, is one pound a week; whereas the bishop of St. Andrews, the primate of Scotland, had only sixpence a day allowed him by Edward I.

<sup>124</sup> 27 Edward III.

The pay of a man at arms was quadruple. We may therefore conclude, that the numerous armies mentioned by historians in those times, consisted chiefly of ragamuffins who followed the camp, and lived by plunder. Edward's army before Calais consisted of thirty-one thousand and ninety-four men; yet its pay for sixteen months was only one hundred and twenty-seven thousand two hundred and one pounds.

It was not till the middle of this century that the English began to extend their navigation even to the Baltic;<sup>135</sup> nor till the middle of the subsequent, that they sailed to the Mediterranean.<sup>136</sup>

Luxury was complained of in that age, as well as in others of more refinement; and attempts were made by parliament to restrain it, particularly on the head of apparel, where surely it is the most obviously innocent and inoffensive. No man under a hundred a year was allowed to wear gold, silver, or silk in his clothes; servants, also, were prohibited from eating flesh meat, or fish, above once a day.<sup>137</sup> By another law it was ordained, that no one should be allowed, either for dinner or supper, above three dishes in each course, and not above two courses; and it is likewise expressly declared that "soused" meat is to count as one of these dishes.<sup>138</sup> It was easy to foresee that such ridiculous laws must prove ineffectual, and could never be executed.

The use of the French language, in pleadings and public deeds, was abolished.<sup>139</sup> It may appear strange, that the nation should so long have worn this badge of conquest: but the king and nobility seem never to have become thoroughly English, or to have forgotten their French extraction, till Edward's wars with France gave them an antipathy to that nation. Yet still it was long before the use of the English tongue came into fashion. The first English paper which we meet with in Rymer is in the year 1386, during the reign of Richard II.<sup>140</sup>

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<sup>125</sup> Cotton, p. 117.

<sup>126</sup> 27 Edward III. cap. 7.

<sup>127</sup> Anderson, vol. i. p. 151.

<sup>128</sup> Anderson, vol. i. p. 177.

<sup>129</sup>..... 10 Edward III., 36 Edward III. cap. 15.

<sup>130</sup>..... Rymer, vol. vii. p. 526. This paper, by the style, seems to have been drawn by the Scots, and was signed by the wardens of the marches only.

There are Spanish papers in that collection of more ancient date:<sup>141</sup> and the use of the Latin and French still continued. We may judge of the ignorance of this age in geography, from a story told by Robert of Avesbury. Pope Clement VI having, in 1344, created Lewis of Spain prince of the Fortunate Islands, meaning the Canaries, then newly discovered, the English ambassador at Rome and his retinue were seized with an alarm, that Lewis had been created king of England; and they immediately hurried home, in order to convey this important intelligence. Yet such was the ardor for study at this time, that Speed in his Chronicle informs us, there were then thirty thousand students in the university of Oxford alone. What was the occupation of all these young men? To learn very bad Latin, and still worse logic.

In 1364, the commons petitioned, that, in consideration of the preceding pestilence, such persons as possessed manors holding of the king in chief, and had let different leases without obtaining licenses, might continue to exercise the same power, till the country were become more populous.<sup>142</sup> The commons were sensible, that this security of possession was a good means for rendering the kingdom prosperous and flourishing; yet durst not apply, all at once, for a greater relaxation of their chains.

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<sup>131</sup>..... Rymer, vol. vi. p. 654.

<sup>132</sup>..... Cotton, p. 97.

There is not a reign among those of the ancient English monarchs, which deserves more to be studied than that of Edward III., nor one where the domestic transactions will better discover the true genius of that kind of mixed government, which was then established in England. The struggles with regard to the validity and authority of the Great Charter were now over: the king was acknowledged to lie under some limitations: Edward

himself was a prince of great capacity, not governed by favorites, nor led astray by any unruly passion, sensible that nothing could be more essential to his interests than to keep on good terms with his people: yet, on the whole, it appears that the government at best was only a barbarous monarchy, not regulated by any fixed maxims, or bounded by any certain undisputed rights, which in practice were regularly observed. The king conducted himself by one set of principles, the barons by another, the commons by a third, the clergy by a fourth. All these systems of government were opposite and incompatible: each of them prevailed in its turn, as incidents were favorable to it: a great prince rendered the monarchical power predominant; the weakness of a king gave reins to the aristocracy; a superstitious age saw the clergy triumphant; the people, for whom chiefly government was instituted, and who chiefly deserve consideration, were the weakest of the whole. But the commons, little obnoxious to any other order, though they sunk under the violence of tempests, silently reared their head in more peaceable times; and while the storm was brewing, were courted by all sides, and thus received still some accession to their privileges, or, at worst, some confirmation of them.

It has been an established opinion that gold coin was not struck till this reign; but there has lately been found proof that it is as ancient as Henry III.<sup>143</sup>

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<sup>133</sup> See Observations on the more ancient Statutes, p. 375, 3d edit.



## CHAPTER 17.

### RICHARD II.

THE parliament which was summoned soon after the king's accession, <sup>1377</sup> was both elected and assembled in tranquillity; and the great change, from a sovereign of consummate wisdom and experience to a boy of eleven years of age, was not immediately felt by the people. The habits of order and obedience which the barons had been taught, during the long reign of Edward, still influenced them; and the authority of the king's three uncles, the dukes of Lancaster, York, and Gloucester, sufficed to repress, for a time, the turbulent spirit to which that order, in a weak reign, was so often subject. The dangerous ambition, too, of these princes themselves was checked, by the plain and undeniable title of Richard, by the declaration of it made in parliament, and by the affectionate regard which the people bore to the memory of his father, and which was naturally transferred to the young sovereign upon the throne. The different characters, also, of these three princes rendered them a counterpoise to each other; and it was natural to expect, that any dangerous designs which might be formed by one brother, would meet with opposition from the others. Lancaster, whose age and experience, and authority under the late king, gave him the ascendant among them, though his integrity seemed not proof against great temptations, was neither of an enterprising spirit, nor of a popular and engaging temper. York was indolent, inactive, and of slender capacity. Gloucester was turbulent, bold, and popular; but being the youngest of the family, was restrained by the power and authority of his elder brothers. There appeared, therefore, no circumstance in the domestic situation of England which might endanger the public peace, or give any immediate apprehensions to the lovers of their country.

But as Edward, though he had fixed the succession to the crown, had taken no care to establish a plan of government during the minority of his grandson, it behoved the parliament to supply this defect; and the house of commons distinguished themselves by taking the lead on the occasion. This house, which had been rising to consideration during the whole



course of the late reign, naturally received an accession of power during the minority; and as it was now becoming a scene of business, the members chose for the first time a speaker, who might preserve order in their debates, and maintain those forms which are requisite in all numerous assemblies. Peter de la Mare was the man pitched on; the same person that had been imprisoned and detained in custody by the late king for his freedom of speech, in attacking the mistress and the ministers of that prince. But though this election discovered a spirit of liberty in the commons, and was followed by further attacks, both on these ministers and on Alice Pearce,<sup>1</sup> they were still too sensible of their great inferiority to assume at first any immediate share in the administration of government, or the care of the king's person. They were content to apply by petition to the lords for that purpose, and desire them both to appoint a council of nine, who might direct the public business, and to choose men of virtuous life and conversation, who might inspect the conduct and education of the young prince. The lords complied with the first part of this request, and elected the bishops of London, Carlisle, and Salisbury, the earls of Marche and Stafford, Sir Richard de Stafford, Sir Henry le Scrope, Sir John Devereux, and Sir Hugh Segrave, to whom they gave authority for a year to conduct the ordinary course of business.<sup>2</sup> But as to the regulation of the king's household, they declined interposing in an office which, they said, both was invidious in itself, and might prove disagreeable to his majesty.

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<sup>1</sup> Walsing. p. 150.

<sup>2</sup> Rymer, vol. vii. p. 161.

The commons, as they acquired more courage, ventured to proceed a step farther in their applications. They presented a petition, in which they prayed the king to check the prevailing custom among the barons of forming illegal confederacies, and supporting each other, as well as men of inferior rank, in the violations of law and justice. They received from the throne a general and an obliging answer to this petition: but another part of their application, that all the great officers should, during the king's minority, be appointed by parliament, which seemed to require the

concurrence of the commons, as well as that of the upper house, in the nomination, was not complied with: the lords alone assumed the power of appointing these officers. The commons tacitly acquiesced in the choice; and thought that, for the present, they themselves had proceeded a sufficient length, if they but advanced their pretensions, though rejected, of interposing in these more important matters of state.

On this footing then the government stood. The administration was conducted entirely in the king's name: no regency was expressly appointed: the nine counsellors and the great officers named by the peers, did their duty each in his respective department; and the whole system was for some years kept together, by the secret authority of the king's uncles, especially of the duke of Lancaster, who was in reality the regent.

The parliament was dissolved, after the commons had represented the necessity of their being reassembled once every year, as appointed by law; and after having elected two citizens as their treasurers, to receive and disburse the produce of two fifteenths and tenths, which they had voted to the crown. In the other parliaments called during the minority, the commons still discover a strong spirit of freedom, and a sense of their own authority, which, without breeding any disturbance, tended to secure their independence and that of the people.<sup>3</sup>

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<sup>3</sup> In the fifth year of the king, the commons complained of the government about the king's person, his court, the excessive number of his servants, of the abuses in the chancery, king's bench, common pleas, exchequer, and of grievous oppressions in the country, by the great multitudes of maintainers of quarrels, (men linked in confederacies together,) who behaved themselves like kings in the country, so as there was very little law or right, and of other things which they said were the cause of the late commotions under Wat Tyler. Parl. Hist. vol. i. p. 365. This irregular government, which no king and no house of commons had been able to remedy, was the source of the licentiousness of the great, and turbulency of the people, as well as tyranny of the princes. If subjects would enjoy liberty, and kings security, the laws must be executed.

In the ninth of this reign, also the commons discovered an accuracy and a jealousy of liberty, which we should little expect in those rude times. "It was agreed by parliament," says Cotton, (p.309), "that the subsidy of wools, woolfells, and skins, granted to the king until the time of midsummer then ensuing, should cease from the same time unto the feast of St. Peter 'ad

vincula' for that thereby the king should be interrupted for claiming such grant as due." See also Cotton, p. 198.]

Edward had left his grandson involved in many dangerous wars. The pretensions of the duke of Lancaster to the crown of Castile, made that kingdom still persevere in hostilities against England. Scotland, whose throne was now filled by Robert Stuart, nephew to David Bruce, and the first prince of that family, maintained such close connections with France, that war with one crown almost inevitably produced hostilities with the other. The French monarch, whose prudent conduct had acquired him the surname of Wise, as he had already baffled all the experience and valor of the two Edwards, was likely to prove a dangerous enemy to a minor king; but his genius, which was not naturally enterprising, led him not at present to give any disturbance to his neighbors; and he labored, besides, under many difficulties at home, which it was necessary for him to surmount, before he could think of making conquests in a foreign country. England was master of Calais, Bordeaux, and Bayonne; had lately acquired possession of Cherbourg from the cession of the king of Navarre, and of Brest from that of the duke of Brittany;<sup>4</sup> and having thus an easy entrance into France from every quarter, was able, even in its present situation, to give disturbance to his government. Before Charles could remove the English from these important posts, he died in the flower of his age, and left his kingdom to a minor son who bore the name of Charles VI.

Meanwhile the war with France was carried on in a manner somewhat <sup>1378.</sup> languid, and produced no enterprise of great lustre or renown. Sir Hugh Calverly, governor of Calais, making an inroad into Picardy with a detachment of the garrison, set fire to Boulogne.<sup>5</sup> The duke of Lancaster conducted an army into Brittany, but returned without being able to perform any thing memorable.

In a subsequent year, the duke of Gloucester marched out of Calais with <sup>1380.</sup> a body of two thousand cavalry and eight thousand infantry, and scrupled not, with his small army, to enter into the heart of France, and to continue his ravages through Picardy, Champagne, the Brie, the Beausse, the Gatinois, the Orleanois, till he reached his allies in the province of Brittany.<sup>6</sup> The duke of Burgundy, at the head of a more considerable army,

came within sight of him; but the French were so overawed by the former successes of the English, that no superiority of numbers could tempt them to venture a pitched battle with the troops of that nation. As the duke of Brittany, soon after the arrival of these succors, formed an accommodation with the court of France, this enterprize also proved in the issue unsuccessful, and made no durable impression upon the enemy.

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<sup>4</sup> Rymer, vol. vii. p. 190.

<sup>5</sup> Walsing, p. 209.

<sup>6</sup> Froissard, liv. ii. chap. 50, 51. Walsing. p. 239.

The expenses of these armaments, and the usual want of economy attending a minority, much exhausted the English treasury, and obliged the parliament, besides making some alterations in the council, to impose a new and unusual tax of three groats on every person, male and female, above fifteen years of age; and they ordained that, in levying that tax, the opulent should relieve the poor by an equitable compensation. This imposition produced a mutiny, which was singular in its circumstances. All history abounds with examples where the great tyrannize over the meaner sort; but here the lowest populace rose against their rulers, committed the most cruel ravages upon them, and took vengeance for all former oppressions.

The faint dawn of the arts and of good government in that age, had <sup>1381</sup> excited the minds of the populace, in different states of Europe, to wish for a better condition, and to murmur against those chains which the laws enacted by the haughty nobility and gentry, had so long imposed upon them. The commotions of the people in Flanders, the mutiny of the peasants in France, were the natural effects of this growing spirit of independence; and the report of these events being brought into England, where personal slavery, as we learn from Froissard,<sup>7</sup> was more general than in any other country in Europe, had prepared the minds of the multitude for an insurrection. One John Ball, also, a seditious preacher, who affected low popularity, went about the country and inculcated on his audience the principles of the first origin of mankind from one common

stock, their equal right to liberty and to all the goods of nature, the tyranny of artificial distinctions, and the abuses which had arisen from the degradation of the more considerable part of the species, and the aggrandizement of a few insolent rulers.<sup>8</sup> These doctrines, so agreeable to the populace, and so conformable to the ideas of primitive equality which are engraven in the hearts of all men, were greedily received by the multitude, and scattered the sparks of that sedition which the present tax raised into a conflagration.<sup>9</sup>

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<sup>7</sup> Liv. ii. chap. 74.

<sup>8</sup> Froissard, liv. ii. chap. 74. Walsing. p. 275.

<sup>9</sup> There were two verses at that time in the mouths of all the common people, which, in spite of prejudice, one cannot but regard with some degree of approbation:—

When Adam delv'd and Eve span,  
Where was then the gentleman?

The imposition of three groats a head had been farmed out to tax-gatherers in each county, who levied the money on the people with rigor; and the clause, of making the rich ease their poorer neighbors of some share of the burden, being so vague and undeterminate, had doubtless occasioned many partialities, and made the people more sensible of the unequal lot which Fortune had assigned them in the distribution of her favors. The first disorder was raised by a blacksmith in a village of Essex. The tax-gatherers came to this man's shop while he was at work, and they demanded payment for his daughter, whom he asserted to be below the age assigned by the statute. One of these fellows offered to produce a very indecent proof to the contrary, and at the same time laid hold of the maid; which the father resenting, immediately knocked out the ruffian's brains with his hammer. The bystanders applauded the action, and exclaimed, that it was full time for the people to take vengeance on their tyrants, and to vindicate their native liberty. They immediately flew to arms: the whole neighborhood joined in the sedition: the flame spread in an instant over the county: it soon propagated itself into that of Kent, of Hertford, Surrey,

Sussex, Suffolk, Norfolk, Cambridge, and Lincoln. Before the government had the least warning of the danger, the disorder had grown beyond control or opposition: the populace had shaken off all regard to their former masters; and being headed by the most audacious and criminal of their associates, who assumed the feigned names of Wat Tyler, Jack Straw, Hob Carter, and Tom Miller, by which they were fond of denoting their mean origin, they committed every where the most outrageous violence on such of the gentry or nobility as had the misfortune to fall into their hands.

The mutinous populace, amounting to a hundred thousand men, assembled on Blackheath under their leaders, Tyler and Straw; and as the princess of Wales, the king's mother, returning from a pilgrimage to Canterbury, passed through the midst of them, they insulted her attendants, and some of the most insolent among them, to show their purpose of levelling all mankind, forced kisses from her; but they allowed her to continue her journey, without attempting any further injury.<sup>10</sup> They sent a message to the king, who had taken shelter in the Tower; and they desired a conference with him. Richard sailed down the river in a barge for that purpose; but on his approaching the shore, he saw such symptoms of tumult and insolence, that he put back and returned to that fortress.<sup>11</sup>

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<sup>10</sup> Froissard, liv. ii. chap. 74.

<sup>11</sup> Froissard, liv. ii. chap 75.

The seditious peasants, meanwhile, favored by the populace of London, had broken into the city; had burned the duke of Lancaster's palace of the Savoy; cut off the heads of all the gentlemen whom they laid hold of; expressed a particular animosity against the lawyers and attorneys; and pillaged the warehouses of the rich merchants.<sup>12</sup> A great body of them quartered themselves at Mile End; and the king, finding no defence in the Tower, which was weakly garrisoned and ill supplied with provisions, was obliged to go out to them and ask their demands. They required a general pardon, the abolition of slavery, freedom of commerce in market towns without toll or impost, and a fixed rent on lands, instead of the services due by villainage. These requests, which, though extremely reasonable in

themselves, the nation was not sufficiently prepared to receive, and which it was dangerous to have extorted by violence, were, however, complied with; charters to that purpose were granted them; and this body immediately dispersed, and returned to their several homes.<sup>13</sup>

During this transaction, another body of the rebels had broken into the Tower; had murdered Simon Sudbury, the primate and chancellor, with Sir Robert Hales, the treasurer, and some other persons of distinction; and continued their ravages in the city.<sup>14</sup>

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<sup>12</sup> Froissard, liv. ii, chap. 76. Walsing. p. 248, 249.

<sup>13</sup> Froissard, liv. ii chap. 77.

<sup>14</sup> Walsing, p. 250, 251.

The king, passing along Smithfield, very slenderly guarded, met with Wat Tyler at the head of these rioters, and entered into a conference with him. Tyler, having ordered his companions to retire till he should give them a signal, after which they were to murder all the company except the king himself, whom they were to detain prisoner, feared not to come into the midst of the royal retinue. He there behaved himself in such a manner, that Walworth, the mayor of London, not able to bear his insolence, drew his sword, and struck him so violent a blow as brought him to the ground, where he was instantly despatched by others of the king's attendants. The mutineers, seeing their leader fall, prepared themselves for revenge; and this whole company, with the king himself, had undoubtedly perished on the spot, had it not been for an extraordinary presence of mind which Richard discovered on the occasion. He ordered his company to stop; he advanced alone towards the enraged multitude, and accosting them with an affable and intrepid countenance, he asked them, "What is the meaning of this disorder my good people? Are ye angry that ye have lost your leader? I am your king: I will be your leader." The populace, overawed by his presence, implicitly followed him. He led them into the fields, to prevent any disorder which might have arisen by their continuing in the city. Being there joined by Sir Robert Knolles, and a body of well-armed

veteran soldiers, who had been secretly drawn together, he strictly prohibited that officer from falling on the rioters, and committing an undistinguished slaughter upon them; and he peaceably dismissed them with the same charters which had been granted to their fellows.<sup>15</sup> Soon after, the nobility and gentry, hearing of the king's danger, in which they were all involved, flocked to London, with their adherents and retainers; and Richard took the field at the head of an army forty thousand strong.<sup>16</sup> It then behoved all the rebels to submit: the charters of enfranchisement and pardon were revoked by parliament; the low people were reduced to the same slavish condition as before; and several of the ringleaders were severely punished for the late disorders. Some were even executed without process or form of law.<sup>17</sup> It was pretended, that the intentions of the mutineers had been to seize the king's person, to carry him through England at their head; to murder all the nobility, gentry, and lawyers, and even all the bishops and priests, except the mendicant friars; to despatch afterwards the king himself, and, having thus reduced all to a level, to order the kingdom at their pleasure.<sup>18</sup> It is not impossible but many of them, in the delirium of their first success, might have formed such projects: but of all the evils incident to human society, the insurrections of the populace, when not raised and supported by persons of higher quality, are the least to be dreaded: the mischiefs consequent to an abolition of all rank and distinction become so great, that they are immediately felt, and soon bring affairs back to their former order and arrangement.

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<sup>15</sup> Froissard, liv. ii. chap. 77. Walsing. p. 252. Knyghton, p. 2637.

<sup>16</sup> Walsing. p. 267.

<sup>17</sup> 5 Rich. II. cap. ult., as quoted in the Observations on Ancient Statutes, p. 262.

<sup>18</sup> Walsing. p. 265.

A youth of sixteen, (which was at this time the king's age) who had discovered so much courage, presence of mind, and address, and had so dexterously eluded the violence of this tumult, raised great expectations in



the nation; and it was natural to hope that he would, in the course of his life, equal the glories which had so uniformly attended his father and his grandfather in all their undertakings. {1385.

But in proportion as Richard advanced in years, these hopes vanished; and his want of capacity, at least of solid judgment, appeared in every enterprise which he attempted. The Scots, sensible of their own deficiency in cavalry, had applied to the regency of Charles VI.; and John de Vienne, admiral of France, had been sent over with a body of one thousand five hundred men at arms, to support them in their incursions against the English. The danger was now deemed by the king's uncles somewhat serious; and a numerous army of sixty thousand men was levied, and they marched into Scotland with Richard himself at their head. The Scots did not pretend to make resistance against so great a force: they abandoned without scruple their country to be pillaged and destroyed by the enemy: and when De Vienne expressed his surprise at this plan of operations, they told him, that all their cattle was driven into the forests and fastnesses; that their houses and other goods were of small value; and that they well knew how to compensate any losses which they might sustain in that respect, by making an incursion into England. Accordingly, when Richard entered Scotland by Berwick and the east coast, the Scots, to the number of thirty thousand men, attended by the French, entered the borders of England by the west, and carrying their ravages through Cumberland, Westmoreland, and Lancashire, collected a rich booty, and then returned in tranquillity to their own country. Richard, meanwhile, advanced towards Edinburgh, and destroyed in his way all the towns and villages on each side of him: he reduced that city to ashes: he treated in the same manner Perth, Dundee, and other places in the low countries; but when he was advised to march towards the west coast, to await there the return of the enemy, and to take revenge on them for their devastations, his impatience to return to England, and enjoy his usual pleasures and amusements, outweighed every consideration; and he led back his army without effecting any thing by all these mighty preparations. The Scots, soon after, finding the heavy bodies of French cavalry very useless in that desultory kind of war to which they confined themselves, treated their allies so ill, that the French returned home, much disgusted with the country and with the manners of its inhabitants.<sup>19</sup> And the English, though

they regretted the indolence and levity of their king, saw themselves for the future secured against any dangerous invasion from that quarter.

But it was so material an interest of the French court to wrest the <sup>1386</sup> seaport towns from the hands of their enemy, that they resolved to attempt it by some other expedient, and found no means so likely as an invasion of England itself. They collected a great fleet and army at Sluise; for the Flemings were now in alliance with them: all the nobility of France were engaged in this enterprise: the English were kept in alarm: great preparations were made for the reception of the invaders: and though the dispersion of the French ships by a storm, and the taking of many of them by the English, before the embarkation of the troops, freed the kingdom from the present danger, the king and council were fully sensible that this perilous situation might every moment return upon them.<sup>20</sup>

There were two circumstances, chiefly, which engaged the French at this time to think of such attempts. The one was the absence of the duke of Lancaster, who had carried into Spain the flower of the English military force, in prosecution of his vain claim to the crown of Castile; an enterprise in which, after some promising success, he was finally disappointed: the other was, the violent dissensions and disorders which had taken place in the English government.

The subjection in which Richard was held by his uncles, particularly by the duke of Gloucester, a prince of ambition and genius, though it was not unsuitable to his years and slender capacity, was extremely disagreeable to his violent temper; and he soon attempted to shake off the yoke imposed upon him. Robert de Vere, earl of Oxford, a young man of a noble family, of an agreeable figure, but of dissolute manners, had acquired an entire ascendant over him, and governed him with an absolute authority. The king set so little bounds to his affection, that he first created his favorite marquis of Dublin, a title before unknown in England, then duke of Ireland; and transferred to him by patent, which was confirmed in parliament, the entire sovereignty for life of that island.<sup>21</sup>

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<sup>19</sup> Froissard, liv. ii. chap. 149, 150, etc., liv. iii. chap. 52. Walsing p. 316, 317.

<sup>20</sup> Froissard, liv. iii. chap. 41, 53. Walsing. p. 322, 323.

<sup>21</sup> Cotton, p. 310, 311. Cox, Hist. of Ireland, p. 129. Walsing, p. 324.

He gave him in marriage his cousin-german, the daughter of Ingelram de Couci, earl of Bedford; but soon after he permitted him to repudiate that lady, though of an unexceptionable character, and to marry a foreigner, a Bohemian, with whom he had become enamored.<sup>22</sup> These public declarations of attachment turned the attention of the whole court towards the minion: all favors passed through his hands: access to the king could only be obtained by his mediation: and Richard seemed to take no pleasure in royal authority, but so far as it enabled him to load with favors, and titles, and dignities, this object of his affections.

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<sup>22</sup> Walsing. p. 228.

The jealousy of power immediately produced an animosity Between the minion and his creatures on the one hand, and the princes of the blood and chief nobility on the other; and the usual complaints against the insolence of favorites were loudly echoed, and greedily received, in every part of the kingdom. Moubray, earl of Nottingham, the mareschal, Fitz-Alan, earl of Arundel, Piercy, earl of Northumberland, Montacute, earl of Salisbury, Beauchamp, earl of Warwick, were all connected with each other, and with the princes, by friendship or alliance, and still more by their common antipathy to those who had eclipsed them in the king's favor and confidence. No longer kept in awe by the personal character of the prince, they scorned to submit to his ministers; and the method which they took to redress the grievance complained of well suited the violence of the age, and proves the desperate extremities to which every opposition was sure to be instantly carried.

Michael de la Pole, the present chancellor, and lately created earl of Suffolk, was the son of an eminent merchant; but had risen by his abilities and valor during the wars of Edward III., had acquired the friendship of that monarch, and was esteemed the person of greatest experience and capacity among those who were attached to the duke of Ireland and the king's secret council. The duke of Gloucester, who had the house of

commons at his devotion, impelled them to exercise that power which they seem first to have assumed against Lord Latimer during the declining years of the late king; and an impeachment against the chancellor was carried up by them to the house of peers, which was no less at his devotion. The king foresaw the tempest preparing against him and his ministers. After attempting in vain to rouse the Londoners to his defence, he withdrew from parliament, and retired with his court to Eltham. The parliament sent a deputation, inviting him to return, and threatening that, if he persisted in absenting himself, they would immediately dissolve, and leave the nation, though at that time in imminent danger of a French invasion, without any support or supply for its defence. At the same time, a member was encouraged to call for the record containing the parliamentary deposition of Edward II.; a plain intimation of the fate which Richard, if he continued refractory, had reason to expect from them. The king, finding himself unable to resist, was content to stipulate that, except finishing the present impeachment against Suffolk, no attack should be made upon any other of his ministers; and on that condition he returned to the parliament.<sup>23</sup>

Nothing can prove more fully the innocence of Suffolk, than the frivolousness of the crimes which his enemies, in the present plenitude of their power, thought proper to object against him.<sup>24</sup> It was alleged, that being chancellor, and obliged by his oath to consult the king's profit, he had purchased lands of the crown below their true value; that he had exchanged with the king a perpetual annuity of four hundred marks a year, which he inherited from his father, and which was assigned upon the customs of the port of Hull, for lands of an equal income; that having obtained for his son the priory of St. Anthony, which was formerly possessed by a Frenchman, an enemy and a schismatic, and a new prior being at the same time named by the pope, he had refused to admit this person, whose title was not legal, till he made a composition with his son, and agreed to pay him a hundred pounds a year from the income of the benefice; that he had purchased, from one Tydeman, of Limborch, an old and forfeited annuity of fifty pounds a year upon the crown, and had engaged the king to admit that bad debt; and that, when created earl of Suffolk, he had obtained a grant of five hundred pounds a year to support the dignity of that title.<sup>25</sup>

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<sup>23</sup> Knyghton, p. 2715, etc. The same author (p. 2680) tells us, that the king, in return to the message, said, that he would not for their desire remove the meanest scullion from his kitchen. This author also tells us, that the king said to the commissioners, when they harangued him, that he saw his subjects were rebellious, and his best way would be to call in the king of France to his aid. But it is plain that all these speeches were either intended by Knyghton merely as an ornament to his history, or are false. For (1.) when the five lords accuse the king's ministers in the next parliament, and impute to them every rash action of the king, they speak nothing of these replies, which are so obnoxious, were so recent, and are pretended to have been so public. (2.) The king, so far from having any connections at that time with France, was threatened with a dangerous invasion from that kingdom. This story seems to have been taken from the reproaches afterwards thrown out against him, and to have been transferred by the historian to this time, to which they cannot be applied.]

<sup>24</sup> Cotton, p. 315. Knyghton, p. 2683.

<sup>25</sup> It is probable that the earl of Suffolk was not rich, nor able to support the dignity without the bounty of the crown; for his father, Michael de la Pole, though a great merchant, had been ruined by lending money to the late king. See Cotton, p. 194.

We may even the proof of these articles, frivolous as they are, was found very deficient upon the trial: it appeared that Suffolk had made no purchase from the crown while he was chancellor, and that all his bargains of that kind were made before he was advanced to that dignity.<sup>26</sup> It is almost needless to add, that he was condemned, notwithstanding his defence; and that he was deprived of his office.

Glocester and his associates observed their stipulation with the king, and attacked no more of his ministers: but they immediately attacked himself and his royal dignity, and framed a commission after the model of those which had been attempted almost in every reign since that of Richard I., and which had always been attended with extreme confusion.<sup>27</sup> By this commission, which was ratified by parliament, a council of fourteen persons was appointed, all of Glocester's faction, except Nevil, archbishop of York: the sovereign power was transferred to these men for a twelvemonth: the king, who had now reached the twenty-first year of his age, was in reality dethroned: the aristocracy was rendered supreme: and

though the term of the commission was limited, it was easy to foresee that the intentions of the party were to render it perpetual, and that power would with great difficulty be wrested from those grasping hands to which it was once committed. Richard, however, was obliged to submit: he signed the commission which violence had extorted from him; he took an oath never to infringe it; and though at the end of the session he publicly entered a protest, that the prerogatives of the crown, notwithstanding his late concession, should still be deemed entire and unimpaired,<sup>28</sup> the new commissioners, without regarding this declaration, proceeded to the exercise of their authority.

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<sup>26</sup> Rymer, vol. vii. p. 481. Cotton, p. 31.

<sup>27</sup> Cotton, p. 315.

<sup>28</sup> Knyghton, p. 2686. Statutes at large, 10 Rich. II. chap. I.

The king, thus dispossessed of royal power, was soon sensible of *1887*. the contempt into which he was fallen. His favorites and ministers, who were as yet allowed to remain about his person, failed not to aggravate the injury which without any demerit on his part, had been offered to him. And his eager temper was of itself sufficiently inclined to remark that the dukes of Gloucester and York, though vastly rich received at the same time each of them a thousand pounds a year to support their dignity and to seek the means, both of recovering his authority, and of revenging himself on those who had invaded it. As the house of commons appeared now of weight in the constitution, he secretly tried some expedients for procuring a favorable election: he sounded some of the sheriffs, who, being at that time both the returning officers, and magistrates of great power in the counties, had naturally considerable influence in elections.<sup>29</sup> But as most of them had been appointed by his uncles, either during his minority or during the course of the present commission, he found them in general averse to his enterprise. The sentiments and inclinations of the judges were more favorable to him. He met at Nottingham Sir Robert Tresilian, chief justice of the king's bench, Sir Robert Belknappe, chief justice of the common pleas, Sir John Gary, chief baron of the exchequer, Holt,

Fulthorpe, and Bourg, inferior justices, and Lockton, serjeant at law; and he proposed to them some queries, which these lawyers, either from the influence of his authority or of reason, made no scruple of answering in the way he desired. They declared that the late commission was derogatory to the royalty and prerogative of the king; that those who procured it, or advised the king to consent to it, were punishable with death; that those who necessitated and compelled him were guilty of treason; that those were equally criminal who should persevere in maintaining it; that the king has the right of dissolving parliaments at pleasure; that the parliament, while it sits, must first proceed upon the king's business; and that this assembly cannot without his consent impeach any of his ministers and judges.<sup>30</sup> Even according to our present strict maxims with regard to law and the royal prerogative, all these determinations, except the two last, appear justifiable: and as the great privileges of the commons, particularly that of impeachment, were hitherto new and supported by few precedents, there want not plausible reasons to justify these opinions of the judges.<sup>31</sup>

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<sup>29</sup> In the preamble to 5 Henry IV. cap. vii. it is implied, that the sheriffs in a manner appointed the members of the house of commons, not only in this parliament, but in many others.

<sup>30</sup> Knyghton, p. 2694. Ypod. Neust. p. 541.

<sup>31</sup> The parliament, in 1341, exacted of Edward III., that on the third day of every session, the king should resume all the great offices; and that the ministers should then answer to any accusation that should be brought against them; which plainly implies, that, while ministers they could not be accused or impeached in parliament, therefore, their answer to the king's queries before the archbishops of York and Dublin, the bishops of Durham, Chichester, and Bangor, the duke of Ireland, the earl of Suffolk, and two other counsellors of inferior quality. Henry IV. told the commons that the usage of parliament required them to go first through the king's business in granting supplies; which order the king intended not to alter. Parl. Hist. vol. ii. p. 65. Upon the whole, it must be allowed that, according to ancient practice and principles, there are at least plausible grounds for all these opinions of the judges. It must be remarked, that this affirmation of Henry IV. was given deliberately, after consulting the house of peers, who were much better acquainted with the usage of parliament than the ignorant commons. And it has the greater authority, because Henry IV. had made this very principle a considerable article of charge against his predecessor;

and that a very few years before. So ill grounded were most of the imputations thrown on the unhappy Richard.

They obliged the king to summon a parliament, which was entirely at their devotion, they had full power, by observing a few legal forms, to take vengeance on all their enemies. Five great peers, men whose combined power was able at any time to shake the throne,—the duke of Gloucester, the king's uncle; the earl of Derby, son of the duke of Lancaster; the earl of Arundel; the earl of Warwick; and the earl of Nottingham, mareschal of England,—entered before the parliament an accusation, or appeal, as it was called, against the five counsellors whom they had already accused before the king. The parliament, who ought to have been judges, were not ashamed to impose an oath on all their members, by which they bound themselves to live and die with the lords appellants, and to defend them against all opposition with their lives and fortunes.<sup>32</sup>.....

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<sup>32</sup> Cotton, p. 322.

The duke of Gloucester and his adherents soon got intelligence of this secret consultation, and were naturally very much alarmed at it. They saw the king's intentions; and they determined to prevent the execution of them. As soon as he came to London, which they knew was well disposed to their party, they secretly assembled their forces, and appeared in arms at Haringay Park, near Highgate, with a power which Richard and his ministers were not able to resist. They sent him a message by the archbishop of Canterbury, and the lords Lovel Cobham, and Devereux, and demanded that the persons who had seduced him by their pernicious counsel, and were traitors both to him and to the kingdom, should be delivered up to them. A few days after, they appeared in his presence, armed, and attended with armed followers; and they accused by name the archbishop of York, the duke of Ireland, the earl of Suffolk, Sir Robert Tresilian, and Sir Nicholas Brembre, as public and dangerous enemies to the state. They threw down their gauntlets before the king, and fiercely offered to maintain the truth of their charge by duel. The persons accused,



and all the other obnoxious ministers, had withdrawn or had concealed themselves.

The duke of Ireland fled to Cheshire, and levied some forces, with which he advanced to relieve the king from the violence of the nobles. Gloucester encountered him in Oxfordshire with much superior forces; routed him, dispersed his followers, and obliged him to fly into the Low Countries, where he died in exile a few years after.

The other proceedings were well suited to the violence and iniquity of the times. A charge consisting of thirty-nine articles, was delivered in by the appellants; and as none of the accused counsellors, except Sir Nicholas Brembre, was in custody, the rest were cited to appear; and upon their absenting themselves, the house of peers, after a very short interval, without hearing a witness, without examining a fact, or deliberating on one point of law, declared them guilty of high treason. Sir Nicholas Brembre, who was produced in court, had the appearance, and but the appearance, of a trial: the peers, though they were not by law his proper judges, pronounced, in a very summary manner, sentence of death upon him; and he was executed, together with Sir Robert Tresilian, who had been discovered and taken in the interval.

It would be tedious to recite the whole charge delivered in against the five counsellors; which is to be met with in several collections.<sup>33</sup>

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<sup>33</sup> Knyghton, p. 2715. Tyrrel, vol iii. part ii p. 919, from the records. Parl. Hist. vol. i. p. 414

It is sufficient to observe in general, that if we reason upon the supposition, which is the true one, that the royal prerogative was invaded by the commission extorted by the duke of Gloucester and his associates, and that the king's person was afterwards detained in custody by rebels, many of the articles will appear not only to imply no crime in the duke of Ireland and the ministers, but to ascribe to them actions which were laudable, and which they were bound by their allegiance to perform. The few articles impeaching the conduct of these ministers before that commission, which subverted the constitution, and annihilated all justice

and legal authority, are vague and general; such as their engrossing the king's favor, keeping his barons at a distance from him, obtaining unreasonable grants for themselves or their creatures, and dissipating the public treasure by useless expenses. No violence is objected to them; no particular illegal act;<sup>34</sup> no breach of any statute; and their administration may therefore be concluded to have been so far innocent and inoffensive. All the disorders indeed seem to have proceeded not from any violation of the laws, or any ministerial tyranny, but merely from a rivalry of power, which the duke of Gloucester and the great nobility, agreeably to the genius of the times, carried to the utmost extremity against their opponents, without any regard to reason, justice, or humanity.

But these were not the only deeds of violence committed during the triumph of the party. All the other judges who had signed the extrajudicial opinions at Nottingham, were condemned to death, and were, as a grace or favor, banished to Ireland; though they pleaded the fear of their lives, and the menaces of the king's ministers as their excuse. Lord Beauchamp of Holt, Sir James Berners, and John Salisbury, were also tried and condemned for high treason, merely because they had attempted to defeat the late commission: but the life of the latter was spared. The fate of Sir Simon Burley was more severe: this gentleman was much beloved for his personal merit, had distinguished himself by many honorable actions,<sup>35</sup> was created knight of the garter, and had been appointed governor to Richard, by the choice of the late king and of the Black Prince: he had attended his master from the earliest infancy of that prince, and had ever remained extremely attached to him: yet all these considerations could not save him from falling a victim to Gloucester's vengeance.

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<sup>34</sup> We must except the twelfth article, which accuses Brembre of having cut off the heads of twenty-two prisoners confined for felony or debt, without warrant or process of law; but as it is not conceivable what interest Brembre could have to treat these felons and debtors in such a manner, we may presume that the fact is either false or misrepresented. It was in these men's power to say any thing against the persons accused. No defence or apology was admitted; all was lawless will and pleasure.

They are also accused of designs to murder the lords; but these accusations either are general, or destroy one another. Sometimes, as in article fifteenth, they intend to murder them by means of the mayor and city of

London; sometimes, as in article twenty-eighth, by trial and false inquests; sometimes, as in article twenty-eighth, by means of the king of France, who was to receive Calais for his pains.]

This execution, more than all the others, made a deep impression on the mind of Richard; his queen too (for he was already married to the sister of the emperor Wincleslaus, King of Bohemia) interested herself in behalf of Burley: she remained three hours on her knees before the duke of Gloucester, pleading for that gentleman's life; but though she was become extremely popular by her amiable qualities, which had acquired her the appellation of "the good Queen Anne," her petition was sternly rejected by the inexorable tyrant.<sup>36</sup>

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<sup>35</sup> At least this is the character given of him by Froissard, (liv. ii.) who knew him personally. Walsingham (p. 334) gives a very different character of him; but he is a writer somewhat passionate and partial; and the choice made of this gentleman, by Edward III. and the Black Prince, for the education of Richard, makes the character given him by Froissard much more probable.

The parliament concluded this violent scene by a declaration, that none of the articles decided on these trials to be treason, should ever afterwards be drawn into precedent by the judges, who were still to consider the statute of the twenty-fifth of Edward as the rule of their decisions. The house of lords seem not at that time to have known or acknowledged the principle, that they themselves were bound, in their judicial capacity, to follow the rules which they, in conjunction with the king and commons, had established in their legislature.<sup>37</sup> It was also enacted, that every one should swear to the perpetual maintenance and support of the forfeitures and attainders, and of all the other acts passed during this parliament. The archbishop of Canterbury added the penalty of excommunication, as a further security to these violent transactions.

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<sup>36</sup> In general, the parliament, in those days, never paid a proper regard to Edward's statute of treasons, though one of the most advantageous laws for the subject that has ever been enacted. In the seventeenth of the king, the dukes of Lancaster and Gloucester complain to Richard, that Sir Thomas

Talbot, with others of his adherents conspired the death of the said dukes in divers parts of Cheshire, as the same was confessed and well known; and praying that the parliament may judge of the fault. Whereupon the king and the lords in the parliament judged the same fact to be open and high treason; and hereupon they award two writs, the one to the sheriff of York, and the other to the sheriffs of Derby, to take the body of the said Sir Thomas, returnable in the king's bench in the month of Easter then ensuing. And open proclamation was made in Westminster Hall, that upon the sheriffs return, and at the next coming in of the said Sir Thomas, the said Thomas should be convicted of treason, and incur the loss and pain of the same; and all such as should receive him after the proclamation should incur the same loss and pain. Cotton, p. 354. It is to be observed, that this extraordinary judgment was passed in a time of tranquillity. Though the statute itself of Edward III. reserves a power to the parliament to declare any new species of treason, it is not to be supposed that this power was reserved to the house of lords alone, or that men were to be judged by a law "ex post facto." At least, if such be the meaning of the clause, it may be affirmed, that men were at that time very ignorant of the first principles of law and justice.]

It might naturally be expected, that the king, being reduced to such <sup>1389.</sup> slavery by the combination of the princes and chief nobility, and having appeared so unable to defend his servants from the cruel effects of their resentment, would long remain in subjection to them; and never would recover the royal power, without the most violent struggles and convulsions: but the event proved contrary. In less than a twelvemonth, Richard, who was in his twenty-third year, declared in council, that, as he had now attained the full age which entitled him to govern by his own authority his kingdom and household, he resolved to exercise his right of sovereignty; and when no one ventured to contradict so reasonable an intention, he deprived Fitz-Alan, archbishop of Canterbury, of the dignity of chancellor, and bestowed that high office on William of Wickham, bishop of Winchester; the bishop of Hereford was displaced from the office of treasurer; the earl of Arundel from that of admiral; even the duke of Gloucester and the earl of Warwick were removed for a time from the council: and no opposition was made to these great changes. The history of this reign is imperfect, and little to be depended on, except where it is supported by public records; and it is not easy for us to assign the reason of this unexpected event. Perhaps some secret animosities, naturally to be

expected in that situation, had crept in among the great men, and had enabled the king to recover his authority. Perhaps the violence of their former proceedings had lost them the affections of the people, who soon repent of any cruel extremities to which they are carried by their leaders. However this may be, Richard exercised with moderation the authority which he had resumed. He seemed to be entirely reconciled to his uncles<sup>37</sup> and the other great men, of whom he had so much reason to complain: he never attempted to recall from banishment the duke of Ireland, whom he found so obnoxious to them: he confirmed by proclamation the general pardon which the parliament had passed for all offences; and he courted the affections of the people, by voluntarily remitting some subsidies which had been granted him: a remarkable, and almost singular instance of such generosity.

After this composure of domestic differences, and this restoration of the government to its natural state, there passes an interval of eight years which affords not many remarkable events. The duke of Lancaster returned from Spain; having resigned to his rival all pretensions to the crown of Castile upon payment of a large sum of money,<sup>39</sup> and having married his daughter, Philippa, to the king of Portugal. The authority of this prince served to counterbalance that of the duke of Gloucester, and secured the power of Richard, who paid great court to his eldest uncle, by whom he had never been offended, and whom he found more moderate in his temper than the younger. He made a cession to him for life of the duchy of Guienne,<sup>40</sup> which the inclinations and changeable humor of the Gascons had restored to the English government; but as they remonstrated loudly against this deed, it was finally, with the duke's consent, revoked by Richard.<sup>41</sup>

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<sup>37</sup> Dugdale, vol. ii. p. 170.

<sup>38</sup> Knyghton, p 2677. Walsing p. 342.

<sup>39</sup> Rymer, vol. vii. p. 659.

<sup>40</sup> Rymer, vol. vii. p. 687. 298 HISTORY OF ENGLAND.

There happened an incident which produced a dissension between Lancaster and his two brothers. After the death of the Spanish princess, he espoused Catharine Swineford, daughter of a private knight of Hainault, by whose alliance York and Gloucester thought the dignity of their family much injured; but the king gratified his uncle by passing in parliament a charter of legitimation to the children whom that lady had borne him before marriage, and by creating the eldest earl of Somerset.<sup>42</sup>

The wars, meanwhile, which Richard had inherited with his crown, still continued; though interrupted by frequent truces, according to the practice of that age, and conducted with little vigor, by reason of the weakness of all parties. The French war was scarcely heard of; the tranquillity of the northern borders was only interrupted by one inroad of the Scots, which proceeded more from a rivalry between the two martial families of Piercy and Douglas, than from any national quarrel: a fierce battle or skirmish was fought at Otterborne,<sup>43</sup> in which young Piercy, surnamed Hotspur, from his impetuous valor, was taken prisoner, and Douglas slain; and the victory remained undecided.<sup>44</sup> Some insurrections of the Irish obliged the king to make an expedition into that country, which he reduced to obedience; and he recovered, in some degree, by this enterprise, his character of courage, which had suffered a little by the inactivity of his reign.

At last, the English and French courts began to think in earnest of a <sup>1396</sup> lasting peace; but found it so difficult to adjust their opposite pretensions, that they were content to establish a truce of twenty-five years: Brest and Cherbourg were restored, the former to the duke of Brittany, the latter to the king of Navarre: both parties were left in possession of all the other places which they held at the time of concluding the truce; and to render the amity between the two crowns more durable, Richard,<sup>45</sup> who was now a widower, was affianced to Isabella, the daughter of Charles. This princess was only seven years of age; but the king agreed to so unequal a match, chiefly that he might fortify himself by this alliance against the enterprises of his uncles, and the incurable turbulence, as well as inconstancy, of his barons.

The administration of the king, though it was not in this interval sullied by any unpopular act, except the seizing of the charter of London,<sup>46</sup>

which was soon after restored, tended not much to corroborate his authority; and his personal character brought him into contempt, even while his public government appeared in a good measure unexceptionable.

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<sup>41</sup> Cotton, p. 365. Walsing, p. 352.

<sup>42</sup> 15th August, 1388.

<sup>43</sup> Froissard, liv. iii. chap. 124, 125, 126. Walsing, p. 355.

<sup>44</sup> Rymer, vol. vii. p. 820.

<sup>45</sup> Rymer, vol. vii. p. 727. Walsing. p. 347.

Indolent, profuse, addicted to low pleasures, he spent his whole time in feasting and jollity, and dissipated, in idle show, or in bounties to favorites of no reputation, that revenue which the people expected to see him employ in enterprises directed to public honor and advantage. He forgot his rank by admitting all men to his familiarity; and he was not sensible, that their acquaintance with the qualities of his mind was not able to impress them with the respect which he neglected to preserve from his birth and station. The earls of Kent and Huntingdon, his half brothers, were his chief confidants and favorites; and though he never devoted himself to them with so profuse an affection as that with which he had formerly been attached to the duke of Ireland, it was easy for men to see, that every grace passed through their hands, and that the king had rendered himself a mere cipher in the government. The small regard which the public bore to his person, disposed them to murmur against his administration, and to receive with greedy ears every complaint which the discontented or ambitious grandees suggested to them.

Glocester soon perceived the advantages which this dissolute conduct <sup>1397</sup> gave him; and finding that both resentment and jealousy on the part of his nephew still prevented him from acquiring any ascendant over that prince, he determined to cultivate his popularity with the nation, and to revenge himself on those who eclipsed him in favor and authority. He seldom appeared at court or in council; he never declared his opinion but in order to disapprove of the measures embraced by the king and his favorites; and

he courted the friendship of every man whom disappointment or private resentment had rendered an enemy to the administration. The long truce with France was unpopular with the English, who breathed nothing but war against that hostile nation; and Gloucester took care to encourage all the vulgar prejudices which prevailed on this subject. Forgetting the misfortunes which attended the English arms during the later years of Edward, he made an invidious comparison between the glories of that reign and the inactivity of the present; and he lamented that Richard should have degenerated so much from the heroic virtues by which his father and his grandfather were distinguished. The military men were inflamed with a desire of war when they heard him talk of the signal victories formerly obtained, and of the easy prey which might be made of French riches by the superior valor of the English; the populace readily embraced the same sentiments; and all men exclaimed, that this prince, whose counsels were so much neglected, was the true support of English honor and alone able to raise the nation to its former power and splendor. His great abilities, his popular manners, his princely extraction, his immense riches, his high office of constable;<sup>47</sup> all these advantages, not a little assisted by his want of court favor, gave him a mighty authority in the kingdom, and rendered him formidable to Richard and his ministers.

Froissard,<sup>48</sup> a contemporary writer, and very impartial, but whose credit is somewhat impaired by his want of exactness in material facts, ascribes to the duke of Gloucester more desperate views, and such as were totally incompatible with the government and domestic tranquillity of the nation. According to that historian, he proposed to his nephew, Roger Mortimer, earl of Marche, whom Richard had declared his successor, to give him immediate possession of the throne, by the deposition of a prince so unworthy of power and authority: and when Mortimer declined the project, he resolved to make a partition of the kingdom between himself, his two brothers, and the earl of Arundel; and entirely to dispossess Richard of the crown. The king, it is said, being informed of these designs, saw that either his own ruin, or that of Gloucester, was inevitable; and he resolved by a hasty blow to prevent the execution of such destructive projects. This is certain, that Gloucester, by his own confession, had often affected to speak contemptuously of the king's person and government; had deliberated concerning the lawfulness of throwing off allegiance to



him; and had even borne part in a secret conference, where his deposition was proposed, and talked of, and determined:<sup>49</sup> but it is reasonable to think, that his schemes were not so far advanced.

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<sup>46</sup> Rymer, vol. vii. p. 152.

<sup>47</sup> Liv. iv. chap. 86.

<sup>48</sup> Cotton, p. 378. Tyrrel, vol. iii. part ii. p. 972, from the records. Par. Hist. vol. i. p. 473. That this confession was genuine, and obtained without violence, may be entirely depended on. Judge Rickhill, who brought it over from Calais, was tried on that account, and acquitted in the first parliament of Henry IV., when Gloucester's party was prevalent. His acquittal, notwithstanding his innocence, may even appear marvellous, considering the times. See Cotton, p. 393. putting them immediately in execution. The danger probably was still too distant to render a desperate remedy entirely necessary for the security of government.

But whatever opinion we may form of the danger arising from Gloucester's conspiracies, his aversion to the French truce and alliance was public and avowed; and that court which had now a great influence over the king, pushed him to provide for his own safety, by punishing the traitorous designs of his uncle. The resentment against his former acts of violence revived; the sense of his refractory and uncompliant behavior was still recent; and a man whose ambition had once usurped royal authority, and who had murdered all the faithful servants of the king, was thought capable, on a favorable opportunity, of renewing the same criminal enterprises. The king's precipitate temper admitted of no deliberation: he ordered Gloucester to be unexpectedly arrested; to be hurried on board a ship which was lying in the river; and to be carried over to Calais, where alone, by reason of his numerous partisans, he could safely be detained in custody.<sup>50</sup> The earls of Arundel and Warwick were seized at the same time: the malecontents so suddenly deprived of their leaders, were astonished and overawed; and the concurrence of the dukes of Lancaster and York in those measures, together with the earls of Derby and Rutland, the eldest sons of these princes,<sup>51</sup> bereaved them of all possibility of resistance.

A parliament was immediately summoned at Westminster; and the king doubted not to find the peers, and still more the commons, very

compliant with his will. This house had in a former parliament given him very sensible proofs of their attachment;<sup>52</sup> and the present suppression of Gloucester's party made him still more assured of a favorable election. As a further expedient for that purpose, he is also said to have employed the influence of the sheriffs; a practice which, though not unusual, gave umbrage, but which the established authority of that assembly rendered afterwards still more familiar to the nation. Accordingly, the parliament passed whatever acts the king was pleased to dictate to them:<sup>53</sup> they annulled forever the commission which usurped upon the royal authority, and they declared it treasonable to attempt, in any future period, the revival of any similar commission: they abrogated all the acts which attainted the king's ministers, and which that parliament who passed them, and the whole nation had sworn inviolably to maintain: and they declared the general pardon then granted to be invalid, as extorted by force, and never ratified by the free consent of the king.

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<sup>49</sup> Froissard, liv. iv. chap. 90. Walsing. p. 354.

<sup>50</sup> Rymer, vol. viii. p. 7.

<sup>51</sup> In the preceding parliament, the commons had shown a disposition very complaisant to the king; yet there happened an incident in their proceedings which is curious, and shows us the state of the house during that period. The members were either country gentlemen or merchants, who were assembled for a few days, and were entirely unacquainted with business; so that it was easy to lead them astray, and draw them into votes and resolutions very different from their intention. Some petitions concerning the state of the nation were voted: in which, among other things, the house recommended frugality to the king; and for that purpose desired that the court should not be so much frequented as formerly by bishops and ladies. The king was displeas'd with this freedom; the commons very humbly craved pardon. He was not satisfied unless they would name the mover of the petitions. It happened to be one Haxey, whom the parliament, in order to make atonement, condemn'd for this offence to die the death of a traitor. But the king, at the desire of the archbishop of Canterbury and the prelates, pardon'd him. When a parliament in those times, not agitated by any faction, and being at entire freedom, could be guilty of such monstrous extravagance, it is easy to judge what might be expected from them in more trying situations. See Cotton's Abridg. p. 361, 362.]

<sup>52</sup> The nobles brought numerous retainers with them to give them ????

Though Richard, after he resumed the government, and lay no longer under constraint, had voluntarily, by proclamation, confirmed that general indemnity, this circumstance seemed not, in their eyes, to merit any consideration. Even a particular pardon, granted six years after to the earl of Arundel, was annulled by parliament, on pretence that it had been procured by surprise, and that the king was not then fully apprized of the degree of guilt incurred by that nobleman.

The commons then preferred an impeachment against Fitz-Alan, archbishop of Canterbury, and brother to Arundel, and accused him for his concurrence in procuring the illegal commission, and in attainting the king's ministers. The primate pleaded guilty; but as he was protected by the ecclesiastical privileges, the king was satisfied with a sentence which banished him the kingdom, and sequestered his temporalities.<sup>54</sup> An appeal or accusation was presented against the duke of Gloucester, and the earls of Arundel and Warwick, by the earls of Rutland, Kent, Huntingdon, Somerset, Salisbury, and Nottingham, together with the lords Spenser and Scrope, and they were accused of the same crimes which had been imputed to the archbishop, as well as of their appearance against the king in a hostile manner at Haringay Park. The earl of Arundel, who was brought to the bar, wisely confined all his defence to the pleading of both the general and particular pardon of the king; but his plea being overruled, he was condemned and executed.<sup>55</sup>

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<sup>53</sup> Cotton, p. 368.

<sup>54</sup> Cotton, p 377. Froissard, liv. iv. chap. 90. Walsing. p. 354.

The earl of Warwick, who was also convicted of high treason, was, on account of his submissive behavior, pardoned as to his life, but doomed to perpetual banishment in the Isle of Man. No new acts of treason were imputed to either of these noblemen. The only crimes for which they were condemned, were the old attempts against the crown, which seemed to be obliterated both by the distance of time and by repeated pardons.<sup>56</sup> The reasons of this method of proceeding it is difficult to conjecture. The recent conspiracies of Gloucester seem certain from his own confession; but

perhaps the king and ministry had not at that time in their hands any satisfactory proof of their reality; perhaps it was difficult to convict Arundel and Warwick of any participation in them; perhaps an inquiry into these conspiracies would have involved in the guilt some of those great noblemen who now concurred with the crown, and whom it was necessary to cover from all imputation; or perhaps the king, according to the genius of the age, was indifferent about maintaining even the appearance of law and equity, and was only solicitous by any means to insure success in these prosecutions. This point, like many others in ancient history, we are obliged to leave altogether undetermined.

A warrant was issued to the earl mareschal, governor of Calais, to bring over the duke of Gloucester, in order to his trial; but the governor returned for answer, that the duke had died suddenly of an apoplexy in that fortress. Nothing could be more suspicious, from the time, than the circumstances of that prince's death: it became immediately the general opinion, that he was murdered by orders from his nephew: in the subsequent reign, undoubted proofs were produced in parliament, that he had been suffocated with pillows by his keepers:<sup>57</sup> and it appeared that the king, apprehensive lest the public trial and execution of so popular a prince, and so near a relation, might prove both dangerous and invidious, had taken this base method of gratifying, and, as he fancied, concealing, his revenge upon him. Both parties, in their successive triumphs, seem to have had no further concern than that of retaliating upon their adversaries; and neither of them were aware that, by imitating, they indirectly justified, as far as it lay in their power, all the illegal violence of the opposite party.

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<sup>55</sup> Tyrrel, vol. iii. part ii. p. 968, from the records.

<sup>56</sup> Cotton, p. 399, 400. Dugdale, vol. ii. p. 171.

This session concluded with the creation or advancement of several peers: the earl of Derby was made duke of Hereford; the earl of Rutland, duke of Albemarle; the earl of Kent, duke of Surrey; the earl of Huntingdon, duke of Exeter; the earl of Nottingham, duke of Norfolk; the earl of Somerset,

marquis of Dorset; Lord Spenser, earl of Gloucester; Rulph Nevil, earl of Westmoreland; Thomas Piercy, earl of Worcester; William Scrope, earl of Wiltshire.<sup>58</sup> The parliament, after a session of twelve days, was adjourned to Shrewsbury. The king, before the departure of the members, exacted from them an oath for the perpetual maintenance and establishment of all their acts; an oath similar to that which had formerly been required by the duke of Gloucester and his party, and which had already proved so vain and fruitless.

Both king and parliament met in the same dispositions at Shrewsbury. <sup>1398</sup>. So anxious was Richard for the security of these acts, that he obliged the lords and commons to swear anew to them on the cross of Canterbury;<sup>59</sup> and he soon after procured a bull from the pope, by which they were, as he imagined, perpetually secured and established.<sup>60</sup> The parliament, on the other hand, conferred on him for life the duties on wool, wool-fells, and leather, and granted him, besides, a subsidy of one tenth and a half, and one fifteenth and a half. They also reversed the attainder of Tresilian and the other judges; and, with the approbation of the present judges, declared the answers for which these magistrates had been impeached to be just and legal:<sup>61</sup> and they carried so far their retrospect as to reverse, on the petition of Lord Spenser, earl of Gloucester, the attainder pronounced against the two Spensers in the reign of Edward II.<sup>62</sup> The ancient history of England is nothing but a catalogue of reversals: every thing is in fluctuation and movement: one faction is continually undoing what was established by another: and the multiplied oaths which each party exacted for the security of the present acts, betray a perpetual consciousness of their instability.

The parliament, before they were dissolved, elected a committee of twelve lords and six commoners,<sup>63</sup> whom they invested with the whole power both of lords and commons, and endowed with full authority to finish all business which had been laid before the houses, and which they had not had leisure to bring to a conclusion.<sup>64</sup>

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<sup>57</sup> Cotton, p. 370, 371

<sup>58</sup> Cotton, p. 371.

<sup>59</sup> Walsing. p. 355.

<sup>60</sup> Statutes at large, 21 Rich. II.

<sup>61</sup> The names of the commissioners were, the dukes of Lancaster, York, Albemarle, Surrey, and Exeter, the marquis of Dorset, the earls of Marche, Salisbury, Northumberland, Gloucester, Winchester, and Wiltshire; John Bussey, Henry Green, John Russel, Robert Teyne, Henry Chelmeswicke, and John Golofre. It is to be remarked, that the duke of Lancaster always concurred with the rest in all their proceedings, even in the banishment of his son, which was afterwards so much complained of.

<sup>62</sup> Cotton, p. 372. Walsing. p. 355.

This was an unusual concession; and though it was limited in the object, might, either immediately or as a precedent, have proved dangerous to the constitution; but the cause of that extraordinary measure was an event singular and unexpected, which engaged the attention of the parliament.

After the destruction of the duke of Gloucester and the heads of that party, a misunderstanding broke out among those noblemen who had joined in the prosecution; and the king wanted either authority sufficient to appease it, or foresight to prevent it. The duke of Hereford appeared in parliament, and accused the duke of Norfolk of having spoken to him, in private, many slanderous words of the king, and of having imputed to that prince an intention of subverting and destroying many of his principal nobility.<sup>65</sup> Norfolk.. denied the charge, gave Hereford the lie, and offered to prove his own innocence by duel. The challenge was accepted: the time and place of combat were appointed: and as the event of this important trial by arms might require the interposition of legislative authority, the parliament thought it more suitable to delegate their power to a committee, than to prolong the session beyond the usual time which custom and general convenience had prescribed to it.<sup>66</sup>

The duke of Hereford was certainly very little delicate in the point of honor, when he revealed a private conversation to the ruin of the person who had intrusted him; and we may thence be more inclined to believe the duke of Norfolk's denial, than the other's asseveration. But Norfolk had in these transactions betrayed an equal neglect of honor, which brings him entirely on a level with his antagonist. Though he had publicly joined with the duke of Gloucester and his party in all the former acts of violence against the king.

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<sup>63</sup> Cotton, p. 372. Parl. Hist. vol. i. p. 490.

<sup>64</sup> In the first year of Henry VI., when the authority of parliament was great, and when that assembly could least be suspected of lying under violence, a like concession was made to the privy council from like motives of convenience. See Cotton, p. 564. his name stands among the appellants who accused the duke of Ireland and the other ministers, yet was he not ashamed publicly to impeach his former associates for the very crimes which he had concurred with them in committing; and his name increases the list of those appellants who brought them to a trial. Such were the principles and practices of those ancient knights and barons, during the prevalence of the aristocratical government, and the reign of chivalry.

The lists for this decision of truth and right were appointed at Coventry before the king: all the nobility of England banded into parties, and adhered either to the one duke or the other: the whole nation was held in suspense with regard to the event; but when the two champions appeared in the field accoutred for the combat, the king interposed, to prevent both the present effusion of such noble blood, and the future consequences of the quarrel. By the advice and authority of the parliamentary commissioners, he stopped the duel; and to show his impartiality, he ordered, by the same authority both the combatants to leave the kingdom;<sup>67</sup> assigning one country for the place of Norfolk's exile, which he declared perpetual, another for that of Hereford, which he limited to ten years.

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<sup>65</sup> Cotton, p. 380. Walsing. p. 356.

Hereford was a man of great prudence and command of temper; and he behaved himself with so much submission in these delicate circumstances, that the king, before his departure, promised to shorten the term of his exile four years; and he also granted him letters patent, by which he was empowered, in case any inheritance should in the interval accrue to him, to enter immediately in possession, and to postpone the doing of homage till his return.

The weakness and fluctuation of Richard's counsels appear nowhere more evident than in the conduct of this affair. No sooner had Hereford left the kingdom, than the king's jealousy of the power and riches of that prince's family revived; and he was sensible that by Gloucester's death he had only removed a counterpoise to the Lancastrian interest which was now become formidable to his crown and kingdom. Being informed that Hereford had entered into a treaty of marriage with the daughter of the duke of Berry, uncle to the French king, he determined to prevent the finishing of an alliance which would so much extend the interest of his cousin in foreign countries; and he sent over the earl of Salisbury to Paris with a commission for that purpose.

The death of the duke of Lancaster, which happened soon after, called <sup>1399</sup> upon him to take new resolutions with regard to that opulent succession. The present duke, in consequence of the king's patent, desired to be put in possession of the estate and jurisdictions of his father; but Richard, afraid of strengthening the hands of a man whom he had already so much offended, applied to the parliamentary commissioners, and persuaded them that this affair was but an appendage to that business which the parliament had delegated to them. By their authority he revoked his letters patent, and retained possession of the estate of Lancaster; and by the same authority he seized and tried the duke's attorney, who had procured and insisted on the letters, and he had him condemned as a traitor for faithfully executing that trust to his master;<sup>68</sup> an extravagant act of power! even though the king changed, in favor of the attorney, the penalty of death into that of banishment.

Henry, the new duke of Lancaster, had acquired by his conduct and abilities the esteem of the public; and having served with distinction against the infidels in Lithuania, he had joined to his other praises those of piety and valor, virtues which have at all times a great influence over mankind, and were, during those ages, the qualities chiefly held in estimation.<sup>69</sup> He was connected with most of the principal nobility by blood, alliance, or friendship; and as the injury done him by the king might in its consequences affect all of them, he easily brought them, by a sense of common interest, to take part in his resentment. The people, who must have an object of affection, who found nothing in the king's person which



they could love or revere, and who were even disgusted with many parts of his conduct<sup>70</sup> easily transferred to Henry that attachment which the death of the duke of Gloucester had left.

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<sup>66</sup> Tyrrel, vol. iii. part ii. p. 991, from the records.

<sup>67</sup> Walsing. p. 343.

<sup>68</sup> He levied fines upon those who had ten years before joined the duke of Gloucester and his party: they were obliged to pay him money, before he would allow them to enjoy the benefit of the indemnity; and in the articles of charge against him it is asserted that the payment of one fine did not suffice. It is indeed likely that his ministers would abuse the power put into their hands; and this grievance extended to very many people. Historians agree in representing this practice as a great oppression. See Otterborne, p. 199. without any fixed direction. His misfortunes were lamented the injustice which he had suffered was complained of; and all men turned their eyes towards him as the only person that could retrieve the lost honor of the nation, or redress the supposed abuses in the government.

While such were the dispositions of the people, Richard had the imprudence to embark for Ireland, in order to revenge the death of his cousin, Roger, earl of Marche, the presumptive heir of the crown, who had lately been slain in a skirmish by the natives; and he thereby left the kingdom of England open to the attempts of his provoked and ambitious enemy. Henry, embarking at Nantz with a retinue of sixty persons, among whom were the archbishop of Canterbury and the young earl of Arundel, nephew to that prelate, landed at Ravenspur, in Yorkshire; and was immediately joined by the earls of Northumberland and Westmoreland, two of the most potent barons in England. He here took a solemn oath, that he had no other purpose in this invasion than to recover the duchy of Lancaster, unjustly detained from him; and he invited all his friends in England, and all lovers of their country, to second him in this reasonable and moderate pretension. Every place was in commotion: the malecontents in all quarters flew to arms: London discovered the strongest symptoms of its disposition to mutiny and rebellion: and Henry's army, increasing on every day's march, soon amounted to the number of sixty thousand combatants.

The duke of York was left guardian of the realm; a place to which his birth entitled him, but which both his slender abilities, and his natural connections with the duke of Lancaster, rendered him utterly incapable of filling in such a dangerous emergency. Such of the chief nobility as were attached to the crown, and could either have seconded the guardian's good intentions, or have overawed his infidelity, had attended the king into Ireland; and the efforts of Richard's friends were every where more feeble than those of his enemies. The duke of York, however, appointed the rendezvous of his forces at St. Albans, and soon assembled an army of forty thousand men; but found them entirely destitute of zeal and attachment to the royal cause, and more inclined to join the party of the rebels. He hearkened therefore very readily to a message from Henry, who entreated him not to oppose a loyal and humble supplicant in the recovery of his legal patrimony; and the guardian even declared publicly that he would second his nephew in so reasonable a request. His army embraced with acclamations the same measures; and the duke of Lancaster, reenforced by them, was now entirely master of the kingdom. He hastened to Bristol, into which some of the king's ministers had thrown themselves; and soon obliging that place to surrender, he yielded to the popular wishes, and without giving them a trial, ordered the earl of Wiltshire, Sir John Bussy, and Sir Henry Green, whom he there took prisoners, to be led to immediate execution.

The king, receiving intelligence of this invasion and insurrection, hastened over from Ireland, and landed in Milford Haven with a body of twenty thousand men: but even this army, so much inferior to the enemy, was either overawed by the general combination of the kingdom, or seized with the same spirit of disaffection; and they gradually deserted him, till he found that he had not above six thousand men who followed his standard. It appeared, therefore, necessary to retire secretly from this small body, which served only to expose him to danger; and he fled to the Isle of Anglesea, where he purposed to embark either for Ireland or France, and there await the favorable opportunities which the return of his subjects to a sense of duty, or their future discontents against the duke of Lancaster, would probably afford him. Henry, sensible of the danger, sent to him the earl of Northumberland, with the strongest professions of loyalty and submission; and that nobleman, by treachery and false oaths,

made himself master of the king's person, and carried him to his enemy at Flint Castle. Richard was conducted to London by the duke of Lancaster, who was there received with the acclamations of the mutinous populace. It is pretended that the recorder met him on the road, and in the name of the city entreated him, for the public safety, to put Richard to death, with all his adherents who were prisoners; but the duke prudently determined to make many others participate in his guilt, before he would proceed to these extremities. For this purpose he issued writs of election in the king's name, and appointed the immediate meeting of a parliament at Westminster.

Such of the peers as were most devoted to the king, were either fled or imprisoned; and no opponents, even among the barons, dared to appear against Henry, amidst that scene of outrage and violence which commonly attends revolutions, especially in England during those turbulent ages, It is also easy to imagine, that a house of commons, elected during this universal ferment, and this triumph of the Lancastrian party, would be extremely attached to that cause, and ready to second every suggestion of their leaders. That order, being an yet of too little weight to stem the torrent, was always carried along with it, and served only to increase the violence which the public interest required it should endeavor to control. The duke of Lancaster, therefore, sensible that he should be entirely master, began to carry his views to the crown itself; and he deliberated with his partisans concerning the most proper means of effecting his daring purpose. He first extorted a resignation from Richard;<sup>71</sup> but as he knew that this deed would plainly appear the result of force and fear, he also purposed, notwithstanding the danger of the precedent to himself and his posterity, to have him solemnly deposed in parliament for his pretended tyranny and misconduct. A charge, consisting of thirty-three articles, was accordingly drawn up against him, and presented to that assembly.<sup>72</sup>

If we examine these articles, which are expressed with extreme acrimony against Richard, we shall find that, except some rash speeches, which are imputed to him,<sup>73</sup> and of whose reality, as they are said to have passed in private conversation, we may reasonably entertain some doubt, —the chief amount of the charge is contained in his violent conduct during

the two last years of his reign, and naturally divides itself into two principal heads. The first and most considerable is the revenge which he took on the princes and great barons who had formerly usurped, and still persevered in controlling and threatening his authority; the second is the violation of the laws and general privileges of his people. But the former, however irregular in many of its circumstances, was fully supported by authority of parliament, and was but a copy of the violence which the princes and barons themselves, during their former triumph, had exercised against him and his party. The detention of Lancaster's estate was, properly speaking a revocation, by parliamentary authority, of a grace which the King himself had formerly granted him. The murder of Gloucester (for the secret execution, however merited, of that prince certainly deserves this appellation) was a private deed formed not any precedent, and implied not any usurped or arbitrary power of the crown which could justly give umbrage to the people. It really proceeded from a defect of power in the king, rather than from his ambition; and proves that, instead of being dangerous to the constitution, he possessed not even the authority necessary for the execution of the laws.

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<sup>69</sup> Knyghton, p. 2744. Otterborne, p. 212.

<sup>70</sup> Tyrrel, vol. iii. part ii. p. 1008, from the records, Knyghton, p, 2746. Otterborne, p. 214.

<sup>71</sup> Art 16, 26.

Concerning the second head of accusation, as it mostly consists of general facts, was framed by Richard's inveterate enemies, and was never allowed to be answered by him or his friends, it is more difficult to form a judgment. The greatest part of these grievances imputed to Richard, seems to be the exertion of arbitrary prerogatives; such as the dispensing power,<sup>74</sup> levying purveyance,<sup>75</sup> employing the mareschal's court,<sup>76</sup> extorting loans,<sup>77</sup> granting protections from lawsuits;<sup>78</sup> prerogatives, which, though often complained of, had often been exercised by his predecessors, and still continued to be so by his successors. But whether his irregular acts of this kind were more frequent, and injudicious and

violent than usual, or were only laid hold of and exaggerated by the factions to which the weakness of his reign had given birth, we are not able at this distance to determine with certainty. There is, however, one circumstance in which his conduct is visibly different from that of his grandfather: he is not accused of having imposed one arbitrary tax, without consent of parliament, during his whole reign;<sup>72</sup> scarcely a year passed during the reign of Edward, which was free from complaints with regard to this dangerous exertion of authority. But, perhaps, the ascendant which Edward had acquired over the people, together with his great prudence, enabled him to make a use very advantageous to his subjects of this and other arbitrary prerogatives, and rendered them a smaller grievance in his hands, than a less absolute authority in those of his grand son.

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<sup>72</sup> Art 13,17,18.

<sup>73</sup> Art. 22.

<sup>74</sup> Art 27.

<sup>75</sup> Art, 14.

<sup>76</sup> We learn from Cotton (p. 362) that the king, by his chancellor, told the commons, "that they were sunderly bound to him, and namely, in forbearing to charge them with dismes and fifteens, the which he meant *no more* to charge them in his own person," These words "no more" allude to the practice of his predecessors; he had not himself imposed any arbitrary taxes: even the parliament, in the articles of his deposition, though they complain of heavy taxes, affirm not that they were imposed illegally or by arbitrary will.

This is a point which it would be rash for us to decide positively on either side; but it is certain, that a charge drawn up by the duke of Lancaster, and assented to by a parliament, situated in those circumstances, forms no manner of presumption with regard to the unusual irregularity or violence of the king's conduct in this particular.<sup>80</sup>

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<sup>77</sup> To show how little credit is to be given to this charge against Richard, we may observe, that a law in the 13th Edward III. had been enacted against

the continuance of sheriffs for more than one year. But the inconvenience of changes having afterwards appeared, from experience, the commons, in the twentieth of this king, applied; by petition, that the sheriffs might be continued; though that petition had not been enacted into a statute, by reason of other disagreeable circumstances which attended it. See Cotton, p. 361. It was certainly a very moderate exercise of the dispensing power in the king to continue the sheriffs, after he found that that practice would be acceptable to his subjects, and had been applied for by one house of parliament; yet is this made an article of charge against him by the present parliament. See article 18. Walsingham, speaking of a period early in Richard's minority, says, "But what do acts of parliament signify, when, after they are made, they take no effect, since the king, by the advice of the privy council, takes upon him to alter, or wholly set aside, all those things which by general consent had been ordained in parliament?" If Richard, therefore, exercised the dispensing power, he was warranted by the examples of his uncles and grandfather, and indeed of all his predecessors from the time of Henry III., inclusive.]

When the charge against Richard was presented to the parliament, though it was liable, almost in every article, to objections, it was not canvassed, nor examined, nor disputed in either house, and seemed to be received with universal approbation. One man alone, the bishop of Carlisle, had the courage, amidst this general disloyalty and violence, to appear in defence of his unhappy master, and to plead his cause against all the power of the prevailing party. Though some topics employed by that virtuous prelate may seem to favor too much the doctrine of passive obedience, and to make too large a sacrifice of the rights of mankind, he was naturally pushed into that extreme by his abhorrence of the present licentious factions; and such intrepidity, as well as disinterestedness of behavior, proves that, whatever his speculative principles were his heart was elevated far above the meanness and abject submission of a slave. He represented to the parliament, that all the abuses of government which could justly be imputed to Richard, instead of amounting to tyranny, were merely the result of error, youth, or misguided counsel, and admitted of a remedy more easy and salutary than a total subversion of the constitution. That even had they been much more violent and dangerous than they really were, they had chiefly proceeded from former examples of resistance, which, making the prince sensible of his precarious situation, had obliged him to establish his throne by irregular and arbitrary

expedients. That a rebellious disposition in subjects was the principal cause of tyranny in kings; laws could never secure the subject, which did not give security to the sovereign; and if the maxim of inviolable loyalty, which formed the basis of the English government, were once rejected, the privileges belonging to the several orders of the state, instead of being fortified by that licentiousness, would thereby lose the surest foundation of their force and stability. That the parliamentary deposition of Edward II., far from making a precedent which could control this maxim, was only an example of successful violence; and it was sufficiently to be lamented, that crimes were so often committed in the world, without establishing principles which might justify and authorize them.

That even that precedent, false and dangerous as it was, could never warrant the present excesses; which were so much greater, and which would entail distraction and misery on the nation, to the latest posterity. That the succession, at least, of the crown, was then preserved inviolate: the lineal heir was placed on the throne; and the people had an opportunity, by their legal obedience to him, of making atonement for the violence which they had committed against his predecessor. That a descendant of Lionel, duke of Clarence, the elder brother of the late duke of Lancaster, had been declared in parliament successor to the crown; he had left posterity; and their title, however it might be overpowered by present force and faction, could never be obliterated from the minds of the people. That if the turbulent disposition alone of the nation had overturned the well-established throne of so good a prince as Richard, what bloody commotions must ensue, when the same cause was united to the motive of restoring the legal and undoubted heir to his authority? That the new government intended to be established, would stand on no principle; and would scarcely retain any pretence by which it could challenge the obedience of men of sense and virtue. That the claim of lineal descent was so gross, as scarcely to deceive the most ignorant of the populace: conquest could never be pleaded by a rebel against his sovereign; the consent of the people had no authority in a monarchy not derived from consent, but established by hereditary right; and however the nation might be justified in deposing the misguided Richard, it could never have any reason for setting aside his lawful heir and successor, who was plainly innocent. And that the duke of Lancaster would give them but a

bad specimen of the legal moderation which might be expected from his future government, if he added,[2typo?] to the crime of his past rebellion, the guilt of excluding the family, which, both by right of blood and by declaration of parliament, would, in case of Richard's demise or voluntary resignation, have been received as the undoubted heirs of the monarchy.<sup>81</sup>.....

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<sup>78</sup>..... Sir John Heywarde, p. 101.

All the circumstances of this event, compared to those which attended the late revolution in 1688, show the difference between a great and civilized nation, deliberately vindicating its established privileges, and a turbulent and barbarous aristocracy, plunging headlong from the extremes of one faction into those of another. This noble freedom of the bishop of Carlisle, instead of being applauded, was not so much as tolerated: he was immediately arrested by order of the duke of Lancaster, and sent a prisoner to the abbey of St. Albans. No further debate was attempted: thirty-three long articles of charge were, in one meeting, voted against Richard; and voted unanimously by the same peers and prelates who, a little before, had voluntarily and unanimously authorized those very acts of violence of which they now complained. That prince was deposed by the suffrages of both houses; and the throne being now vacant, the duke of Lancaster stepped forth, and having crossed himself on the forehead and on the breast, and called upon the name of Christ,<sup>82</sup>..... he pronounced these words, which we shall give in the original language, because of their singularity.

“In the name of Fadher, Son, and Holy Ghost, I Henry of Lancaster, challenge this rewme of Ynglande, and the croun with all the membres, and the appurtenances; als I that am descendit by right line of the blode, coming fro the gude king Henry therde, and throge that right that God of his grace hath sent me, with helpe of kyn, and of my frendes to recover it; the which rewme was in poynt to be ondone by defaut of governance, and ondoying of the gude lawes.”<sup>83</sup>.....

In order to understand this speech, it must be observed, that there was a silly story, received among some of the lowest vulgar, that Edmond,



earl of Lancaster, son of Henry III., was really the elder brother of Edward I.; but that, by reason of some deformity in his person, he had been postponed in the succession, and his younger brother imposed on the nation in his stead. As the present duke of Lancaster inherited from Edmond by his mother, this genealogy made him the true heir of the monarchy, and it is therefore insinuated in Henry's speech: but the absurdity was too gross to be openly avowed either by him or by the parliament. The case is the same with regard to his right of conquest: he was a subject who rebelled against his sovereign: he entered the kingdom with a retinue of no more than sixty persons.

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<sup>79</sup>..... Cotton, p. 389.

<sup>80</sup>..... Knyghton, p. 2757. could not therefore be the conqueror of England; and this right is accordingly insinuated, not avowed. Still there is a third claim, derived from his merits in saving the nation from tyranny and oppression; and this claim is also insinuated: but as it seemed, by its nature, better calculated as a reason for his being elected king by a free choice, than for giving him an immediate right of possession, he durst not speak openly even on this head; and to obviate any notion of election, he challenges the crown as his due, either by acquisition or inheritance. The whole forms such a piece of jargon and nonsense, as is almost without example: no objection, however, was made to it in parliament: the unanimous voice of lords and commons placed Henry on the throne: he became king, nobody could tell how or wherefore: the title of the house of Marche, formerly recognized by parliament, was neither invalidated nor repealed, but passed over in total silence: and as a concern for the liberties of the people seems to have had no hand in this revolution, their right to dispose of the government, as well as all their other privileges, was left precisely on the same footing as before. But Henry having, when he claimed the crown, dropped some obscure hint concerning conquest, which, it was thought, might endanger these privileges, he soon after made a public declaration, that he did not thereby intend to deprive any other of his franchises or liberties; which was the only circumstances where we shall find meaning or common sense in all these transactions.

The subsequent events discover the same headlong violence of conduct, and the same rude notions of civil government. The deposition of Richard dissolved the parliament: it was necessary to summon a new one: and Henry, in six days after, called together, without any new election, the

same members; and this assembly he denominated a new parliament. They were employed in the usual task of reversing every deed of the opposite party. All the acts of the last parliament of Richard, which had been confirmed by their oaths, and by a papal bull, were abrogated: all the acts which had passed in the parliament where Gloucester prevailed: which had also been confirmed by their oaths, but which had been abrogated by Richard, were anew established:<sup>84</sup> the answers of Tresilian and the other judges, which a parliament had annulled, but which a new parliament and new judges had approved, here received a second condemnation.

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<sup>81</sup> Knyghton, p. 2759. Otterborne, p. 220.

<sup>82</sup> Cotton, p. 390.

The peers who had accused Gloucester, Arundel, and Warwick, and who had received higher titles for that piece of service, were all of them degraded from their new dignities; even the practice of prosecuting appeals in parliament, which bore the air of a violent confederacy against an individual, rather than of a legal indictment, was wholly abolished, and trials were restored to the course of common law. The natural effect of this conduct was, to render the people giddy with such rapid and perpetual changes, and to make them lose all notions of right and wrong in the measures of government.

The earl of Northumberland made a motion, in the house of peers, with regard to the unhappy prince whom they had deposed. He asked them, what advice they would give the king for the future treatment of him; since Henry was resolved to spare his life. They unanimously replied, that he should be imprisoned under a secure guard, in some secret place, and should be deprived of all commerce with any of his friends or partisans. It was easy to foresee, that he would not long remain alive in the hands of such barbarous and sanguinary enemies. Historians differ with regard to the manner in which he was murdered. It was long the prevailing opinion, that Sir Piers Exton, and others of his guards, fell upon him in the Castle of Pomfret, where he was confined, and despatched him with their halberts. But it is more probable that he was starved to death in prison;

and after all sustenance was denied him, he prolonged his unhappy life, it is said, for a fortnight, before he reached the end of his miseries. This account is more consistent with the story, that his body was exposed in public, and that no marks of violence were observed upon it. He died in the thirty-fourth year of his age, and the twenty-third of his reign. He left no posterity, either legitimate or illegitimate.

All the writers who have transmitted to us the history of Richard, lived during the reigns of the Lancastrian princes, and candor requires, that we should not give entire credit to the reproaches which they have thrown upon his memory. But after making all proper allowances, he still appears to have been a weak prince, and unfit for government, less for want of natural parts and capacity, than of solid judgment and a good education. He was violent in his temper, profuse in his expenses, fond of idle show and magnificence, devoted to favorites, and addicted to pleasure; passions, all of them the most inconsistent with a prudent economy, and consequently dangerous in a limited and mixed government. Had he possessed the talents of gaining, and still more those of overawing, his great barons, he might have escaped all the misfortunes of his reign, and been allowed to carry much further his oppressions over the people, if he really was guilty of any, without their daring to rebel, or even to murmur against him. But when the grandees were tempted, by his want of prudence and of vigor, to resist his authority, and execute the most violent enterprises upon him, he was naturally led to seek an opportunity of retaliation: justice was neglected; the lives of the chief nobility were sacrificed; and all these enormities seem to have proceeded less from a settled design of establishing arbitrary power, than from the insolence of victory, and the necessities of the king's situation. The manners indeed of the age were the chief source of such violence: laws, which were feebly executed in peaceable times, lost all their authority during public convulsions: both parties were alike guilty: or, if any difference may be remarked between them, we shall find, that the authority of the crown, being more legal, was commonly carried, when it prevailed, to less desperate extremities, than was that of the aristocracy.

On comparing the conduct and events of this reign with those of the preceding, we shall find equal reason to admire Edward and to blame

Richard; but the circumstance of opposition, surely, will not lie in the strict regard paid by the former to national privileges, and the neglect of them by the latter. On the contrary, the prince of small abilities, as he felt his want of power, seems to have been more moderate in this respect than the other. Every parliament assembled during the reign of Edward, remonstrates against the exertion of some arbitrary prerogative or other: we hear not any complaints of that kind during the reign of Richard, till the assembling of his last parliament, which was summoned by his inveterate enemies, which dethroned him, which framed their complaints during the time of the most furious convulsions, and whose testimony must therefore have, on that account, much less authority with every equitable judge.<sup>85</sup> Both these princes experienced the encroachments of the great upon their authority. Edward, reduced to necessities, was obliged to make an express bargain with his parliament and to sell some of his prerogatives for present supply; but as they were acquainted with his genius and capacity, they ventured not to demand any exorbitant concessions, or such as were incompatible with regal and sovereign power: the weakness of Richard tempted the parliament to extort a commission, which, in a manner, dethroned the prince, and transferred the sceptre into the hands of the nobility. The events of these encroachments were also suitable to the character of each. Edward had no sooner gotten the supply, than he departed from the engagements which had induced the parliament to grant it; he openly told his people, that he had but dissembled with them when he seemed to make them these concessions; and he resumed and retained all his prerogatives. But Richard, because he was detected in consulting and deliberating with the judges on the lawfulness of restoring the constitution, found his barons immediately in arms against him; was deprived of his liberty; saw his favorites, his ministers, his tutor, butchered before his face, or banished and attainted; and was obliged to give way to all this violence. There cannot be a more remarkable contrast between the fortunes of two princes: it were happy for society, did this contrast always depend on the justice or injustice of the measures which men embrace; and not rather on the different degrees of prudence and vigor with which those measures are supported.

There was a sensible decay of ecclesiastical authority during this period. The disgust which the laity had received from the numerous

usurpations both of the court of Rome and of their own clergy, had very much weaned the kingdom from superstition; and strong symptoms appeared, from time to time, of a general desire to shake off the bondage of the Romish church. In the committee of eighteen, to whom Richard's last parliament delegated their whole power, there is not the name of one ecclesiastic to be found; a neglect which is almost without example, while the Catholic religion subsisted in England.<sup>86</sup>

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<sup>83</sup> Peruse, in this view, the Abridgment of the Records, by Sir Robert Cotton, during these two reigns.

<sup>84</sup> The following passage in Cotton's Abridgment (p. 196) shows a strange prejudice against the church and churchmen. "The commons afterwards coming into the parliament, and making their protestation, showed, that for want of good redress about the king's person in his household, in all his courts, touching maintainers in every county, and purveyors, the commons were daily pilled, and nothing defended against the enemy, and that it should shortly deprive the king and undo the state. Wherefore in the same government they entirely require redress. Whereupon the king appointed sundry bishops, lords, and nobles, to sit in privy council about these matters; who, since that they must begin at the head, and go at the request of the commons, they, in the presence of the king, charged his confessor not to come into the court but upon the four principal festivals." We should little expect that a popish privy council, in order to preserve the king's morals, should order his confessor to be kept at a distance from him. This incident happened in the minority of Richard. As the popes had for a long time resided at Avignon, and the majority of the sacred college were Frenchmen, this circumstance naturally increased the aversion of the nation to the papal power; but the prejudice against the English clergy cannot be accounted for from that cause.]

The aversion entertained against the established church soon found principles, and tenets, and reasonings, by which it could justify and support itself. John Wickliffe, a secular priest, educated at Oxford, began in the latter end of Edward III. to spread the doctrine of reformation by his discourses, sermons, and writings; and he made many disciples among men of all ranks and stations. He seems to have been a man of parts and learning; and has the honor of being the first person in Europe that publicly called in question those principles which had universally passed for certain and undisputed during so many ages. Wickliffe himself, as well

as his disciples, who received the name of Wickliffites, or Lollards, was distinguished by a great austerity of life and manners; a circumstance common to almost all those who dogmatize in any new way; both because men who draw to them the attention of the public, and expose themselves to the odium of great multitudes, are obliged to be very guarded in their conduct, and because few who have a strong propensity to pleasure or business, will enter upon so difficult and laborious an undertaking. The doctrines of Wickliffe being derived from his search into the Scriptures and into ecclesiastical antiquity, were nearly the same with those which were propagated by the reformers in the sixteenth century: he only carried some of them farther than was done by the more sober part of these reformers. He denied the doctrine of the real presence, the supremacy of the church of Rome, the merit of monastic vows: he maintained, that the Scriptures were the sole rule of faith; that the church was dependent on the state, and should be reformed by it; that the clergy ought to possess no estates; that the begging friars were a nuisance, and ought not to be supported;<sup>87</sup> that the numerous ceremonies of the church were hurtful to true piety: he asserted that oaths were unlawful, that dominion was founded in grace, that everything was subject to fate and destiny, and that all men were preordained either to eternal salvation or reprobation,<sup>88</sup> From the whole of his doctrines, Wickliffe appears to have been strongly tinged with enthusiasm, and to have been thereby the better qualified to oppose a church whose chief characteristic is superstition.

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<sup>85</sup> Walsing. p. 191, 208, 283, 284. Spel. Concil. vol. ii. p. 680.

<sup>86</sup> Harpsfield, p. 668, 673, 674. Waldens. lib. iii. art. i. cap. 8.

The propagation of these principles gave great alarm to the clergy; and a bull was issued by Pope Gregory XI. for taking Wickliffe into custody, and examining into the scope of his opinions.<sup>89</sup> Courteney, bishop of London, cited him before his tribunal; but the reformer had now acquired powerful protectors, who screened him from the ecclesiastical jurisdiction. The duke of Lancaster, who then governed the kingdom, encouraged the principles of Wickliffe; and he made no scruple, as well as Lord Piercy, the

mareschal, to appear openly in court with him, in order to give him countenance upon his trial: he even insisted, that Wickliffe should sit in the bishop's presence while his principles were examined: Courteney exclaimed against the insult: the Londoners, thinking their prelate affronted, attacked the duke and mareschal, who escaped from their hands with some difficulty.<sup>90</sup> And the populace, soon after, broke into the houses of both these noblemen, threatened their persons, and plundered their goods. The bishop of London had the merit of appeasing their fury and resentment.

The duke of Lancaster, however, still continued his protection to Wickliffe, during the minority of Richard; and the principles of that reformer had so far propagated themselves, that when the pope sent to Oxford a new bull against these doctrines, the university deliberated for some time whether they should receive the bull; and they never took any vigorous measures in consequence of the papal orders.<sup>91</sup> Even the populace of London were at length brought to entertain favorable sentiments of this reformer: when he was cited before a synod at Lambeth, they broke into the assembly, and so overawed the prelates, who found both the people and the court against them, that they dismissed him without any further censure.

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<sup>87</sup> Spel. Concil. vol. ii. p. 621. Walsing. p. 201, 202, 203.

<sup>88</sup> Harpsfield in Hist. Wickl. p. 683.

<sup>89</sup> Wood's Ant. Oxon. lib. i. p. 191, etc. Walsing, p 201.

The clergy, we may well believe, were more wanting in power than in inclination to punish this new heresy which struck at all their credit, possessions, and authority. But there was hitherto no law in England by which the secular arm was authorized to support orthodoxy; and the ecclesiastics endeavored to supply the defect by an extraordinary and unwarrantable artifice. In the year 1381, there was an act passed, requiring sheriffs to apprehend the preachers of heresy and their abettors; but this statute had been surreptitiously obtained by the clergy, and had the formality of an enrolment without the consent of the commons. In the

subsequent session, the lower house complained of the fraud; affirmed, that they had no intention to bind themselves to the prelates further than their ancestors had done before them; and required that the pretended statute should be repealed, which was done accordingly. But it is remarkable, that notwithstanding this vigilance of the commons, the clergy had so much art and influence, that the repeal was suppressed, and the act, which never had any legal authority, remains to this day upon the statute book;<sup>92</sup> though the clergy still thought proper to keep it in reserve and not proceed to the immediate execution of it.

But besides this defect of power in the church, which saved Wickliffe, that reformer himself, notwithstanding his enthusiasm, seems not to have been actuated by the spirit of martyrdom; and in all subsequent trials before the prelates, he so explained away his doctrine by tortured meanings, as to render it quite innocent and inoffensive.<sup>93</sup> Most of his followers imitated his cautious disposition, and saved themselves either by recantations or explanations. He died of a palsy, in the year 1385, at his rectory of Lutterworth, in the county of Leicester; and the clergy, mortified that he should have escaped their vengeance, took care, besides assuring the people of his eternal damnation, to represent his last distemper as a visible judgment of Heaven upon him for his multiplied heresies and impieties.<sup>94</sup>

The proselytes, however, of Wickliffe's opinions still increased in England:<sup>95</sup> some monkish writers represent one half of the kingdom as infected by those principles: they were carried over to Bohemia by some youth of that nation, who studied at Oxford: but though the age seemed strongly disposed to receive them, affairs were not yet fully ripe for this great revolution; and the finishing blow to ecclesiastical power was reserved to a period of more curiosity, literature, and inclination for novelties.

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<sup>90</sup> ..... Cotton's Abridg. p. 285.

<sup>91</sup> ..... 5 Richard II. chap. 5.

<sup>92</sup> ..... Walsing. p. 206. Knyghton, p. 2655, 2656.

<sup>93</sup> ..... Knyghton, p. 2663.



Meanwhile the English parliament continued to check the clergy and the court of Rome, by more sober and more legal expedients. They enacted anew the statute of “provisors,” and affixed higher penalties to the transgression of it, which, in some instances, was even made capital.<sup>96</sup> The court of Rome had fallen upon a new device, which increased their authority over the prelates: the pope, who found that the expedient of arbitrarily depriving them was violent, and liable to opposition, attained the same end by transferring such of them as were obnoxious to poorer sees, and even to nominal sees, “in partibus infidelium.” It was thus that the archbishop of York, and the bishops of Durham and Chichester, the king’s ministers, had been treated after the prevalence of Gloucester’s faction: the bishop of Carlisle met with the same fate after the accession of Henry IV. For the pope always joined with the prevailing powers, when they did not thwart his pretensions. The parliament, in the reign of Richard, enacted a law against this abuse: and the king made a general remonstrance to the court of Rome against all those usurpations, which he calls “horrible excesses” of that court.<sup>97</sup>

It was usual for the church, that they might elude the mortmain act, to make their votaries leave lands in trust to certain persons, under whose name the clergy enjoyed the benefit of the bequest: the parliament also stopped the progress of this abuse.<sup>98</sup> In the seventeenth of the king, the commons prayed, “that remedy might be had against such religious persons as cause their villains to marry free women inheritable, whereby the estate comes to those religious hands by collusion.”<sup>99</sup> This was a new device of the clergy.

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<sup>94</sup> 13 Richard II. cap. 3. 16 Richard II. cap. 4.

<sup>95</sup> Rymer, vol. vii. p. 672.

<sup>96</sup> Knyghton, p. 27, 38. Cotton, p. 355.

<sup>97</sup> Cotton, p. 355.

The papacy was at this time somewhat weakened by a schism, which lasted during forty years, and gave great scandal to the devoted partisans of the

holy see. After the pope had resided many years at Avignon, Gregory XI. was persuaded to return to Rome; and upon his death, which happened in 1380, the Romans, resolute to fix, for the future, the seat of the papacy in Italy, besieged the cardinals in the conclave, and compelled them, though they were mostly Frenchmen, to elect Urban VI., an Italian, into that high dignity. The French cardinals, as soon as they recovered their liberty, fled from Rome, and protesting against the forced election, chose Robert, son of the count of Geneva, who took the name of Clement VII., and resided at Avignon. All the Kingdoms of Christendom, according to their several interests and inclinations, were divided between these two pontiffs. The court of France adhered to Clement, and was followed by its allies, the king of Castile and the king of Scotland: England of course was thrown into the other party, and declared for Urban. Thus the appellation of Clementines and Urbanists distracted Europe for several years; and each party damned the other as schismatics, and as rebels to the true vicar of Christ. But this circumstance, though it weakened the papal authority, had not so great an effect as might naturally be imagined. Though any king could easily, at first, make his kingdom embrace the party of one pope or the other, or even keep it some time in suspense between them, he could not so easily transfer his obedience at pleasure: the people attached themselves to their own party, as to a religious opinion; and conceived an extreme abhorrence to the opposite party, whom they regarded as little better than Saracens, or infidels. Crusades were even undertaken in this quarrel; and the zealous bishop of Norwich, in particular, led over, in 1382 near sixty thousand bigots into Flanders against the Clementines; but after losing a great part of his followers, he returned with disgrace into England.<sup>100</sup> Each pope, sensible, from this prevailing spirit among the people, that the kingdom which once embraced his cause would always adhere to him, boldly maintained all the pretensions of his see, and stood not much more in awe of the temporal sovereigns, than if his authority had not been endangered by a rival.

We meet with this preamble to a law enacted at the very beginning of this reign: “Whereas divers persons of small garrison of land or other possessions do make great retinue of people, as well of esquires as of others, in many parts of the realm, giving to them hats and other livery of one suit by year taking again towards them the value of the same livery, or

percase the double value, by such covenant and assurance, that every of them shall maintain other in all quarrels, be they reasonable or unreasonable, to the great mischief and oppression of the people, etc.”<sup>101</sup>

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<sup>98</sup> Froissard, liv. i. chap. 133, 134. Walsing. p. 298, 299, 300. etc. Knyghtor, p. 2671.

<sup>99</sup> I Richard, II. chap. 7

This preamble contains a true picture of the state of the kingdom. The laws had been so feebly executed, even during the long, active, and vigilant reign of Edward III., that no subject could trust to their protection. Men openly associated themselves, under the patronage of some great baron, for their mutual defence. They wore public badges, by which their confederacy was distinguished. They supported each other in all quarrels, iniquities, extortions, murders, robberies, and other crimes. Their chief was more their sovereign than the king himself; and their own band was more connected with them than their country. Hence the perpetual turbulence, disorders, factions, and civil wars of those times: hence the small regard paid to a character, or the opinion of the public: hence the large discretionary prerogatives of the crown, and the danger which might have ensued from the too great limitation of them. If the king had possessed no arbitrary powers, while all the nobles assumed and exercised them, there must have ensued an absolute anarchy in the state.

One great mischief attending these confederacies was, the extorting from the king pardons for the most enormous crimes. The parliament often endeavored, in the last reign, to deprive the prince of this prerogative; but, in the present, they were content with an abridgment of it. They enacted, that no pardon for rapes, or for murder from malice prepense, should be valid, unless the crime were particularly specified in it.<sup>102</sup> There were also some other circumstances required for passing any pardon of this kind: an excellent law, but ill observed, like most laws that thwart the manners of the people, and the prevailing customs of the times.

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<sup>100</sup> 13 Richard II. chap. 1

It is easy to observe, from these voluntary associations among the people, that the whole force of the feudal system was in a manner dissolved, and that the English had nearly returned, in that particular, to the same situation in which they stood before the Norman conquest. It was, indeed, impossible that that system could long subsist under the perpetual revolutions to which landed property is every where subject. When the great feudal baronies were first erected, the lord lived in opulence in the midst of his vassals: he was in a situation to protect, and cherish and defend them: the quality of patron naturally united itself to that of superior: and these two principles of authority mutually supported each other. But when by the various divisions and mixtures of property, a man's superior came to live at a distance from him, and could no longer give him shelter or countenance, the tie gradually became more fictitious than real: new connections from vicinity or other causes were formed: protection was sought by voluntary services and attachment: the appearance of valor spirit, abilities in any great man, extended his interest very far, and if the sovereign were deficient in these qualities, he was no less, if not more exposed to the usurpations of the aristocracy, than even during the vigor of the feudal system.

The greatest novelty introduced into the civil government during this reign was the creation of peers by patent. Lord Beauchamp, of Holt, was the first peer that was advanced to the house of lords in this manner. The practice of levying benevolences is also first mentioned in the present reign. This prince lived in a more magnificent manner than perhaps any of his predecessors or successors. His household consisted of ten thousand persons: he had three hundred in his kitchen; and all the other offices were furnished in proportion.<sup>103</sup> It must be remarked, that this enormous train had tables supplied them at the king's expense, according to the mode of that age. Such prodigality was probably the source of many exactions by purveyors, and was one chief reason of the public discontents.

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<sup>101</sup> ..... Harding: this poet says, that he speaks from the authority of a clerk of the green cloth.



## CHAPTER 18.

### HENRY IV

The English had so long been familiarized to the hereditary succession <sup>1399</sup> of their monarchs, the instances of departure from it had always borne such strong symptoms of injustice and violence, and so little of a national choice or election, and the returns to the true line had ever been deemed such fortunate incidents in their history, that Henry was afraid, lest, in resting his title on the consent of the people, he should build on a foundation to which the people themselves were not accustomed, and whose solidity they would with difficulty be brought to recognize. The idea too of choice seemed always to imply that of conditions, and a right of recalling the consent upon any supposed violation of them; an idea which was not naturally agreeable to a sovereign, and might in England be dangerous to the subjects, who, lying so much under the influence of turbulent nobles, had ever paid but an imperfect obedience even to their hereditary princes. For these reasons Henry was determined never to have recourse to this claim; the only one on which his authority could consistently stand: he rather chose to patch up his title, in the best manner he could, from other pretensions: and in the end, he left himself, in the eyes of men of sense, no ground of right but his present possession; a very precarious foundation, which, by its very nature, was liable to be overthrown by every faction of the great, or prejudice of the people. He had indeed a present advantage over his competitor: the heir of the house of Mortimer, who had been declared in parliament heir to the crown, was a boy of seven years of age:<sup>1</sup> his friends consulted his safety by keeping silence with regard to his title: Henry detained him and his younger brother in an honorable custody at Windsor Castle.

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<sup>1</sup> Dugdale, vol. i. p. 151.

But he had reason to dread that, in proportion as that nobleman grew to man's estate, he would draw to him the attachment of the people, and make them reflect on the fraud, violence, and injustice by which he had been excluded from the throne. Many favorable topics would occur in his behalf: he was a native of England; possessed an extensive interest from the greatness and alliances of his family; however criminal the deposed monarch, this youth was entirely innocent; he was of the same religion, and educated in the same manners with the people, and could not be governed by any separate interest: these views would all concur to favor his claim; and though the abilities of the present prince might ward off any dangerous revolution, it was justly to be apprehended, that his authority could with difficulty be brought to equal that of his predecessors.

Henry, in his very first parliament, had reason to see the danger attending that station which he had assumed, and the obstacles which he would meet with in governing an unruly aristocracy, always divided by faction, and at present inflamed with the resentments consequent on such recent convulsions. The peers, on their assembling, broke out into violent animosities against each other; forty gauntlets, the pledges of furious battle, were thrown on the floor of the house by noblemen who gave mutual challenges; and "liar" and "traitor" resounded from all quarters. The king had so much authority with these doughty champions, as to prevent all the combats which they threatened; but he was not able to bring them to a proper composure, or to an amicable disposition towards each other.

It was not long before these passions broke into action. The earls of <sup>1400.</sup> Rutland, Kent, and Huntingdon, and Lord Spenser, who were now degraded from the respective titles of Albemarle, Surrey, Exeter, and Gloucester, conferred on them by Richard, entered into a conspiracy, together with the earl of Salisbury and Lord Lumley, for raising an insurrection, and for seizing the king's person at Windsor;<sup>2</sup> but the treachery of Rutland gave him warning of the danger. He suddenly withdrew to London; and the conspirators, who came to Windsor with a body of five hundred horse, found that they had missed this blow, on which all the success of their enterprise depended.

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<sup>2</sup> Walsing. p. 362. Otterborne. p. 224.

Henry appeared, next day, at Kingston upon Thames, at the head of twenty thousand men, mostly drawn from the city; and his enemies, unable to resist his power, dispersed themselves, with a view of raising their followers in the several counties which were the seat of their interest. But the adherents of the king were hot in the pursuit, and every where opposed themselves to their progress. The earls of Kent and Salisbury were seized at Cirencester by the citizens, and were next day beheaded without further ceremony, according to the custom of the times.<sup>3</sup> The citizens of Bristol treated Spenser and Lumley in the same manner. The earl of Huntingdon, Sir Thomas Blount, and Sir Benedict Sely, who were also taken prisoners, suffered death, with many others of the conspirators, by orders from Henry. And when the quarters of these unhappy men were brought to London, no less than eighteen bishops and thirty-two mitred abbots joined the populace, and met them with the most indecent marks of joy and exultation.

But the spectacle the most shocking to every one, who retained any sentiment either of honor or humanity, still remained. The earl of Rutland appeared, carrying on a pole the head of Lord Spenser, his brother-in-law, which he presented in triumph to Henry as a testimony of his loyalty. This infamous man, who was soon after duke of York by the death of his father, and first prince of the blood, had been instrumental in the murder of his uncle, the duke of Gloucester;<sup>4</sup> had then deserted Richard, by whom he was trusted; had conspired against the life of Henry, to whom he had sworn allegiance; had betrayed his associates, whom he had seduced into this enterprise; and now displayed, in the face of the world, these badges of his multiplied dishonor.

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<sup>3</sup> Walsing. p. 363. Ypod. Neust. p. 556.

<sup>4</sup> Dugdale, vol. ii. p. 171.



Henry was sensible that, though the execution of these conspirators might seem to give security to his throne, the animosities which remain after such bloody scenes, are always dangerous to royal authority; and he therefore determined not to increase, by any hazardous enterprise, those numerous enemies with whom he was every where environed. While a subject, he was believed to have strongly imbibed all the principles of his father, the duke of Lancaster, and to have adopted the prejudices which the Lollards inspired against the abuses of the established church: but finding, himself possessed of the throne by so precarious a title, he thought superstition a necessary implement of public authority; and he resolved, by every expedient, to pay court to the clergy. There were hitherto no penal laws enacted against heresy; an indulgence which had proceeded, not from a spirit of toleration in the Romish church, but from the ignorance and simplicity of the people, which had rendered them unfit either for starting or receiving any new or curious doctrines, and which needed not to be restrained by rigorous penalties. But when the learning and genius of Wickliffe had once broken, in some measure, the fetters of prejudice, the ecclesiastics called aloud for the punishment of his disciples; and the king, who was very little scrupulous in his conduct, was easily induced to sacrifice his principles to his interest, and to acquire the favor of the church by that most effectual method, the gratifying of their vengeance against opponents. He engaged the parliament to pass a law for that purpose: it was enacted, that when any heretic, who relapsed, or refused to abjure his opinions, was delivered over to the secular arm by the bishop or his commissaries, he should be committed to the flames by the civil magistrate before the whole people.<sup>5</sup> This weapon did not long remain unemployed in the hands of the clergy: William Sautré, rector of St. Osithes in London, had been condemned by the convocation of Canterbury; his sentence was ratified by the house of peers; the king issued his writ for the execution; <sup>6</sup> and the unhappy man atoned for his erroneous opinions by the penalty of fire. This is the first instance of that kind in England; and thus one horror more was added to those dismal scenes which at that time were already but too familiar to the people.

But the utmost precaution and prudence of Henry could not shield him from those numerous inquietudes which assailed him from every

quarter. The connections of Richard with the royal family of France, made that court exert its activity to recover his authority, or revenge his death.<sup>7</sup>

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<sup>5</sup> 2 Henry IV. chap. vii.

<sup>6</sup> Rymer, vol. viii. p. 178.

<sup>7</sup> Rymer, vol. viii. p. 123.

But though the confusions in England tempted the French to engage in some enterprise by which they might distress their ancient enemy, the greater confusions which they experienced at home, obliged them quickly to accommodate matters; and Charles, content with recovering his daughter from Henry's hands, laid aside his preparations, and renewed the truce between the kingdoms.<sup>8</sup> The attack of Guienne was also an inviting attempt, which the present factions that prevailed among the French obliged them to neglect. The Gascons, affectionate to the memory of Richard, who was born among them, refused to swear allegiance to a prince that had dethroned and murdered him; and the appearance of a French army on their frontiers would probably have tempted them to change masters.<sup>9</sup> But the earl of Worcester, arriving with some English troops, gave countenance to the partisans of Henry, and overawed their opponents. Religion too was here found a cement to their union with England. The Gascons had been engaged by Richard's authority to acknowledge the pope of Rome; and they were sensible that, if they submitted to France, it would be necessary for them to pay obedience to the pope of Avignon, whom they had been taught to detest as a schismatic. Their principles on this head were too fast rooted to admit of any sudden or violent alteration.

The revolution in England proved likewise the occasion of an insurrection in Wales. Owen Glendour, or Glendourduy, descended from the ancient princes of that country, had become obnoxious on account of his attachment to Richard: and Reginald, Lord Gray of Ruthyn, who was closely connected with the new king, and who enjoyed a great fortune in the marches of Wales, thought the opportunity favorable for oppressing his neighbor, and taking possession of his estate.<sup>10</sup> Glendour, provoked at

the injustice, and still more at the indignity, recovered possession by the sword; <sup>11</sup> Henry sent assistance to Gray; <sup>12</sup> the Welsh took part with Glendour: a troublesome and tedious war was kindled, which Glendour long sustained by his valor and activity, aided by the natural strength of the country, and the untamed spirit of its inhabitants.

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<sup>8</sup> Rymer, vol. viii. p. 142, 152, 219.

<sup>9</sup> Rymer, vol. viii. p. 110, 111.

<sup>10</sup> Vita Ric. Sec. p. 171, 172

<sup>11</sup> Walsing, p. 364.

As Glendour committed devastations promiscuously on all the English, he infested the estate of the earl of Marche; and Sir Edmund Mortimer, uncle to that nobleman, led out the retainers of the family, and gave battle to the Welsh chieftain: his troops were routed, and he was taken prisoner:<sup>13</sup> at the same time, the earl himself, who had been allowed to retire to his castle of Wigmore, and who, though a mere boy, took the field with his followers, fell also into Glendour's hands, and was carried by him into Wales.<sup>14</sup> As Henry dreaded and hated all the family of Marche, he allowed the earl to remain in captivity; and though that young nobleman was nearly allied to the Piercies, to whose assistance he himself had owed his crown, he refused to the earl of Northumberland permission to treat of his ransom with Glendour.

The uncertainty in which Henry's affairs stood during a long time with France, as well as the confusions incident to all great changes in government, tempted the Scots to make incursions into England; and Henry, desirous of taking revenge upon them, but afraid of rendering his new government unpopular by requiring great supplies from his subjects, summoned at Westminster a council of the peers, without the commons, and laid before them the state of his affairs.<sup>15</sup> The military part of the feudal constitution was now much decayed: there remained only so much of that fabric as affected the civil rights and properties of men: and the peers here undertook, but voluntarily, to attend the king in an expedition against Scotland, each of them at the head of a certain number of his

retainers.<sup>16</sup> Henry conducted this army to Edinburgh, of which he easily made himself master; and he there summoned Robert III. to do homage to him for his crown.<sup>17</sup> But finding that the Scots would neither submit nor give him battle, he returned in three weeks, after making this useless bravado; and he disbanded his army.

In the subsequent season, Archibald, earl of Douglas, at the head of <sup>1402.</sup> twelve thousand men, and attended by many of the principal nobility of Scotland, made an irruption into England, and committed devastations on the northern counties. On his return home, he was overtaken by the Piercys, at Homeldom, on the borders of England, and a fierce battle ensued, where the Scots were totally routed. Douglas himself was taken prisoner; as was Mordác, earl of Fife, son of the duke of Albany, and nephew of the Scottish king, with the earls of Angus, Murray, and Orkney, and many others of the gentry and nobility.<sup>18</sup> | When Henry received intelligence of this victory, he sent the earl of Northumberland orders not to ransom his prisoners, which that nobleman regarded as his right by the laws of war received in that age. The king intended to detain them, that he might be able by their means to make an advantageous peace with Scotland; but by this policy he gave a fresh disgust to the family of Percy.

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<sup>12</sup> Dugdale, vol. i. p. 150.

<sup>13</sup> Dugdale, vol. i. p. 151.

<sup>14</sup> Rymer, vol. viii. p. 125, 126.

<sup>15</sup> Rymer, Vol. viii. p.. 125.

<sup>16</sup> Walsing p. 336. Vita Ric. Sec p. 180. Chron. Otterborne. p. 237.

The obligations which Henry had owed to Northumberland, were <sup>1403.</sup> of a kind the most likely to produce ingratitude on the one side, and discontent on the other. The sovereign naturally became jealous of that power which had advanced him to the throne; and the subject was not easily satisfied in the returns which he thought so great a favor had merited. Though Henry, on his accession, had bestowed the office of constable on Northumberland for life,<sup>19</sup> and conferred other gifts on that

family, these favors were regarded as their due; the refusal of any other request was deemed an injury.

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<sup>17</sup>..... Rymer, vol. viii. p. 89.

The impatient spirit of Harry Piercy, and the factious disposition of the earl of Worcester, younger brother of Northumberland, inflamed the discontents of that nobleman; and the precarious title of Henry tempted him to seek revenge, by overturning that throne which he had at first established. He entered into a correspondence with Glendour: he gave liberty to the earl of Douglas, and made an alliance with that martial chief: he roused up all his partisans to arms; and such unlimited authority at that time belonged to the great families, that the same men, whom, a few years before, he had conducted against Richard, now followed his standard in opposition to Henry. When war was ready to break out, Northumberland was seized with a sudden illness at Berwick: and young Piercy, taking the command of the troops, marched towards Shrewsbury, in order to join his forces with those of Glendour, The king had happily a small army on foot, with which he had intended to act against the Scots; and knowing the importance of celerity in all civil wars, he instantly hurried down, that he might give battle to the rebels. He approached Piercy near Shrewsbury, before that nobleman was joined by Glendour; and the policy of one leader, and impatience of the other, made them hasten to a general engagement.

The evening before the battle, Piercy sent a manifesto to Henry, in which he renounced his allegiance, set that prince at defiance, and, in the name of his father and uncle, as well as his own, enumerated all the grievances of which, he pretended, the nation had reason to complain; He upbraided him with the perjury of which he had been guilty, when, on landing at Ravenspur, he had sworn upon the Gospels, before the earl of Northumberland, that he had no other intension than to recover the duchy of Lancaster, and that he would ever remain a faithful subject to King Richard. He aggravated his guilt in first dethroning, then murdering that prince, and in usurping on the title of the house of Mortimer, to whom, both by lineal succession, and by declarations of parliament, the throne,

when vacant by Richard's demise, did of right belong. He complained of his cruel policy in allowing the young earl of Marche, whom he ought to regard as his sovereign, to remain a captive in the hands of his enemies, and in even refusing to all his friends permission to treat of his ransom; He charged him again with perjury in loading the nation with heavy taxes, after having sworn that, without the utmost necessity, he would never levy any impositions upon them. And he reproached him with the arts employed in procuring favorable elections into parliament; arts which he himself had before imputed as a crime to Richard, and which he had made one chief reason of that prince's arraignment and deposition.<sup>20</sup> This manifesto was well calculated to inflame the quarrel between the parties: the bravery of the two leaders promised an obstinate engagement; and the equality of the armies, being each about twelve thousand men, a number which was not unmanageable by the commanders, gave reason to expect a great effusion of blood on both sides, and a very doubtful issue to the combat.

We shall scarcely find any battle in those ages where the shock was more terrible and more constant. Henry exposed his person in the thickest of the fight: his gallant son, whose military achievements were afterwards so renowned, and who here performed his novitiate in arms, signalized himself on his father's footsteps; and even a wound, which he received in the face with tin arrow, could not oblige him to quit the field.<sup>21</sup>

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<sup>18</sup> Hall, fol. 21, 22, etc.

<sup>19</sup> T. Livii, p. 3

Piercy supported that fame which he had acquired in many a bloody combat. And Douglas, his ancient enemy, and now his friend, still appeared his rival amidst the horror and confusion of the day. This nobleman performed feats of valor which are almost incredible: he seemed determined that the king of England should that day fall by his arm: he sought him all over the field of battle: and as Henry, either to elude the attacks of the enemy upon his person, or to encourage his own men by the belief of his presence every where, had accoutred several captains in the

royal garb, the sword of Douglas rendered this honor fatal to many.<sup>22</sup> But while the armies were contending in this furious manner, the death of Piercy, by an unknown hand, decided the victory, and the royalists prevailed. There are said to have fallen that day on both sides near two thousand three hundred gentlemen; but the persons of greatest distinction were on the king's; the earl of Stafford, Sir Hugh Shirley, Sir Nicholas Gausel, Sir Hugh Mortimer, Sir John Massey, Sir John Calverly. About six thousand private men perished, of whom two thirds were of Piercy's army.<sup>23</sup> The earls of Worcester and Douglas were taken prisoners: the former was beheaded at Shrewsbury; the latter was treated with the courtesy due to his rank and merit.

The earl of Northumberland, having recovered from his sickness, had levied a fresh army, and was on his march to join his son; but being opposed by the earl of Westmoreland, and hearing of the defeat at Shrewsbury, he dismissed his forces, and came with a small retinue to the king at York.<sup>24</sup> He pretended that his sole intention in arming was to mediate between the parties: Henry thought proper to accept of the apology, and even granted him a pardon for his offence: all the other rebels were treated with equal lenity; and, except the earl of Worcester and Sir Richard Vernon, who were regarded as the chief authors of the insurrection, no person engaged in this dangerous enterprise seems to have perished by the hands of the executioner.<sup>25</sup>

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<sup>20</sup> Walsing. p. 366, 367. Hall, fol. 22.

<sup>21</sup> Chron. Otterborne, p. 224. Ypod. Neust. p. 560.

<sup>22</sup> Chron. Otterborne, p. 225.

<sup>23</sup> Rymer, vol. viii. p. 353.

But Northumberland, though he had been pardoned, knew that he <sup>1405</sup> never should be trusted, and that he was too powerful to be cordially forgiven by a prince whose situation gave him such reasonable grounds of jealousy. It was the effect either of Henry's vigilance or good fortune, or of the narrow genius of his enemies, that no proper concert was ever formed among them: they rose in rebellion one after another; and thereby

afforded him an opportunity of suppressing singly those insurrections which, had they been united, might have proved fatal to his authority. The earl of Nottingham, son of the duke of Norfolk, and the archbishop of York, brother to the earl of Wiltshire, whom Henry, then duke of Lancaster, had beheaded at Bristol, though they had remained quiet while Piercy was in the field, still harbored in their breast a violent hatred against the enemy of their families; and they determined, in conjunction with the earl of Northumberland, to seek revenge against him. They betook themselves to arms before that powerful nobleman was prepared to join them; and publishing a manifesto, in which they reproached Henry with his usurpation of the crown and the murder of the late king, they required that the right line should be restored, and all public grievances be redressed. The earl of Westmoreland, whose power lay in the neighborhood, approached them with an inferior force at Shipton, near York; and being afraid to hazard an action, he attempted to subdue them by a stratagem, which nothing but the greatest folly and simplicity on their part could have rendered successful. He desired a conference with the archbishop and earl between the armies: he heard their grievances with great patience: he begged them to propose the remedies: he approved of every expedient which they suggested: he granted them all their demands: he also engaged that Henry should give them entire satisfaction: and when he saw them pleased with the facility of his concessions, he observed to them, that, since amity was now in effect restored between them, it were better on both sides to dismiss their forces, which otherwise would prove an insupportable burden to the country. The archbishop and the earl of Nottingham immediately gave directions to that purpose: their troops disbanded upon the field: but Westmoreland, who had secretly issued contrary orders to his army, seized the two rebels without resistance, and carried them to the king, who was advancing with hasty marches to suppress the insurrection.<sup>26</sup>

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<sup>24</sup> Walsing. p. 373. Otterborne, p 255.

The trial and punishment of an archbishop might have proved a troublesome and dangerous undertaking, had Henry proceeded regularly,



and allowed time for an opposition to form itself against that unusual measure: the celerity of the execution alone could here render it safe and prudent. Finding that Sir William Gascoigne, the chief justice, made some scruple of acting on this occasion, he appointed Sir William Fulthorpe for judge; who, without any indictment, trial, or defence pronounced sentence of death upon the prelate which was presently executed. This was the first instance in England of a capital punishment inflicted on a bishop; whence the clergy of that rank might learn that their crimes, more than those of laies, were not to pass with impunity. The earl of Nottingham was condemned and executed in the same summary manner: but though many other persons of condition, such as Lord Falconberg, Sir Ralph Hastings, Sir John Colville, were engaged in this rebellion, no others seem to have fallen victims to Henry's severity.

The earl of Northumberland, on receiving this intelligence, fled into Scotland, together with Lord Bardolf;<sup>27</sup> and the king, without opposition, reduced all the castles and fortresses belonging to these noblemen. He thence turned his arms against Glendour, over whom his son, the prince of Wales, had attained some advantages; but that enemy, more troublesome than dangerous, still found means of defending himself in his fastnesses, and of eluding, though not resisting, all the force of England.

In a subsequent season, the earl of Northumberland and Lord Bardolf, <sup>1407.</sup> impatient of their exile, entered the north, in hopes of raising the people to arms; but found the country in such a posture as rendered all their attempts unsuccessful. Sir Thomas Rokesby, sheriff of Yorkshire, levied some forces, attacked the invaders at Bramham, and gained a victory, in which both Northumberland and Bardolf were slain.<sup>2</sup> This prosperous event, joined to the death of Glendour, which happened soon after, freed Henry from all his domestic enemies; and this prince, who had mounted the throne by such unjustifiable means, and held it by such an exceptionable title, had yet, by his valor, prudence, and address, accustomed the people to the yoke, and had obtained a greater ascendant over his haughty barons, than the law alone, not supported by these active qualities, was ever able to confer.

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<sup>25</sup> Walsing. p. 374.

About the same time, fortune gave Henry an advantage over that neighbor, who, by his situation, was most enabled to disturb his government. Robert III., king of Scots, was a prince, though of slender capacity, extremely innocent and inoffensive in his conduct: but Scotland, at that time, was still less fitted than England for cherishing, or even enduring sovereigns of that character. The duke of Albany, Robert's brother, a prince of more abilities, at least of a more boisterous and violent disposition, had assumed the government of the state; and, not satisfied with present authority, he entertained the criminal purpose of extirpating his brother's children, and of acquiring the crown to his own family. He threw in prison David, his eldest nephew; who there perished by hunger: James alone, the younger brother of David, stood between that tyrant and the throne; and King Robert, sensible of his son's danger, embarked him on board a ship, with a view of sending him to France, and intrusting him to the protection of that friendly power. Unfortunately, the vessel was taken by the English; Prince James, a boy about nine years of age, was carried to London; and though there subsisted at that time a truce between the kingdoms, Henry refused to restore the young prince to his liberty. Robert, worn out with cares and infirmities, was unable to bear the shock of this last misfortune; and he soon after died, leaving the government in the hands of the duke of Albany.<sup>28</sup>..... Henry was now more sensible than ever of the importance of the acquisition which he had made: while he retained such a pledge, he was sure of keeping the duke of Albany in dependence; or, if offended, he could easily, by restoring the true heir, take ample revenge upon the usurper. But though the king, by detaining James in the English court, had shown himself somewhat deficient in generosity, he made ample amends by giving that prince an excellent education, which afterwards qualified him, when he mounted the throne, to reform in some measure the rude and barbarous manners of his native country.

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<sup>27</sup>..... Buchanan, lib. x.

The hostile dispositions which of late had prevailed between France and England, were restrained, during the greater part of this reign, from appearing in action. The jealousies and civil commotions with which both nations were disturbed, kept each of them from taking advantage of the unhappy situation of its neighbor. But as the abilities and good fortune of Henry had sooner been able to compose the English factions, this prince began, in the latter part of his reign, to look abroad, and to foment the animosities between the families of Burgundy and Orleans, by which the government of France was, during that period, so much distracted. He knew that one great source of the national discontent against his predecessor was the inactivity of his reign; and he hoped, by giving a new direction to the restless and unquiet spirits of his people, to prevent their breaking out in domestic wars and disorders.

That he might unite policy with force, he first entered into treaty with <sup>1411.</sup> the duke of Burgundy, and sent that prince a small body of troops, which supported him against his enemies.<sup>29</sup> Soon after, he hearkened to more advantageous proposals made him by the duke of Orleans, and despatched a greater body to support that party.

But the leaders of the opposite factions having made a temporary <sup>1412.</sup> accommodation, the interests of the English were sacrificed; and this effort of Henry proved, in the issue, entirely vain and fruitless. The declining state of his health, and the shortness of his reign, prevented him from renewing the attempt, which his more fortunate son carried to so great a length against the French monarchy.

Such were the military and foreign transactions of this reign: the civil and parliamentary are somewhat more memorable, and more worthy of our attention. During the two last reigns, the elections of the commons had appeared a circumstance of government not to be neglected; and Richard was even accused of using unwarrantable methods for procuring to his partisans a seat in that house. This practice formed one considerable article of charge against him in his deposition; yet Henry scrupled not to tread in his footsteps, and to encourage the same abuses in elections. Laws were enacted against such undue influence; and even a sheriff was punished for an iniquitous return which he had made:<sup>30</sup> but laws were commonly at that time very ill executed; and the liberties of the people,

such as they were, stood on a surer basis than on laws and parliamentary elections.

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<sup>28</sup>..... Walsing. p. 380.

<sup>29</sup>..... Cotton, p. 429.

Though the house of commons was little able to withstand the violent currents which perpetually ran between the monarchy and the aristocracy, and though that house might easily be brought, at a particular time, to make the most unwarrantable concessions to either, the general institutions of the state still remained invariable; the interests of the several members continued on the same footing; the sword was in the hands of the subject; and the government, though thrown into temporary disorder, soon settled itself on its ancient foundations.

During the greater part of this reign, the king was obliged to court popularity; and the house of commons, sensible of their own importance, began to assume powers which had not usually been exercised by their predecessors. In the first year of Henry, they procured a law, that no judge, in concurring with any iniquitous measure, should be excused by pleading the orders of the king, or even the danger of his own life from the menaces of the sovereign.<sup>31</sup> In the second year, they insisted on maintaining the practice of not granting any supply before they received an answer to their petitions, which was a tacit manner of bargaining with the prince.<sup>32</sup> In the fifth year, they desired the king to remove from his household four persons who had displeased them, among whom was his own confessor, and Henry, though he told them that he knew of no offence which these men had committed, yet, in order to gratify them, complied with their request.<sup>33</sup> In the sixth year, they voted the king supplies, but appointed treasurers of their own, to see the money disbursed for the purposes intended, and required them to deliver in their accounts to the house.<sup>34</sup> In the eighth year, they proposed, for the regulation of the government and household, thirty important articles, which were all agreed to; and they even obliged all the members of council, all the judges, and all the officers of the household, to swear to the observance of them.<sup>35</sup> The abridger of the

records remarks the unusual liberties taken by the speaker and the house during this period.<sup>36</sup> But the great authority of the commons was but a temporary advantage, arising from the present situation. In a subsequent parliament, when the speaker made his customary application to the throne for liberty of speech, the king, having now overcome all his domestic difficulties, plainly told him that he would have no novelties introduced, and would enjoy his prerogatives. But on the whole, the limitations of the government seem to have been more sensibly felt, and more carefully maintained, by Henry than by any of his predecessors.

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<sup>30</sup> Cotton, p. 364.

<sup>31</sup> Cotton, p. 406.

<sup>32</sup> Cotton, p. 426.

<sup>33</sup> Cotton, p. 438.

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<sup>35</sup> Cotton, p 462.

During this reign, when the house of commons were at any time brought to make unwary concessions to the crown they also showed their freedom by a speedy retraction of them. Henry, though he entertained a perpetual and well grounded jealousy of the family of Mortimer, allowed not their name to be once mentioned in parliament; and as none of the rebels had ventured to declare the earl of Marche king, he never attempted to procure, what would not have been refused him, an express declaration against the claim of that nobleman; because he knew that such a declaration, in the present circumstances, would have no authority, and would only serve to revive the memory of Mortimer's title in the minds of the people. He proceeded in his purpose after a more artful and covert manner. He procured a settlement of the crown on himself and his heirs male,<sup>37</sup> thereby tacitly excluding the females, and transferring the Salic law into the English government. He thought that, though the house of Plantagenet had at first derived their title from a female, this was a remote event, unknown to the generality of the people; and if he could once

accustom them to the practice of excluding women, the title of the earl of Marche would gradually be forgotten and neglected by them. But he was very unfortunate in this attempt. During the long contests with France, the injustice of the Salic law had been so much exclaimed against by the nation, that a contrary principle had taken deep root in the minds of men; and it was now become impossible to eradicate it. The same house of commons, therefore, in a subsequent session, apprehensive that they had overturned the foundations of the English government, and that they had opened the door to more civil wars than might ensue even from the irregular elevation of the house of Lancaster, applied with such earnestness for a new settlement of the crown, that Henry yielded to their request, and agreed to the succession of the princesses of his family;<sup>38</sup> a certain proof that nobody was, in his heart, satisfied with the king's title to the crown, or knew on what principle to rest it.

But though the commons, during this reign, showed a laudable zeal for liberty in their transactions with the crown, their efforts against the church were still more extraordinary, and seemed to anticipate very much the spirit which became so general in little more than a century afterwards. I know that the credit of these passages rests entirely on one ancient historian;<sup>39</sup> but that historian was contemporary, was a clergyman, and it was contrary to the interests of his order to preserve the memory of such transactions, much more to forge precedents which posterity might some time be tempted to imitate.

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<sup>36</sup> Cotton, p. 454.

<sup>37</sup> Rymer, vol. viii. p. 462.

<sup>38</sup> Walsingham.

This is a truth so evident, that the most likely way of accounting for the silence of the records on this head, is by supposing that the authority of some churchmen was so great as to procure a rasure, with regard to these circumstances, which the indiscretion of one of that order has happily preserved to us.

In the sixth of Henry, the commons, who had been required to grant supplies, proposed in plain terms to the king, that he should seize all the temporalities of the church, and employ them as a perpetual fund to serve the exigencies of the state. They insisted that the clergy possessed a third of the lands of the kingdom; that they contributed nothing to the public burdens; and that their riches tended only to disqualify them from performing their ministerial functions with proper zeal and attention. When this address was presented, the archbishop of Canterbury, who then attended the king, objected that the clergy, though they went not in person to the wars, sent their vassals and tenants in all cases of necessity; while at the same time they themselves, who staid at home, were employed night and day in offering up their prayers for the happiness and prosperity of the state. The speaker smiled, and answered without reserve, that he thought the prayers of the church but a very slender supply. The archbishop, however, prevailed in the dispute; the king discouraged the application of the commons; and the lords rejected the bill which the lower house had framed for stripping the church of her revenues.<sup>40</sup>

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<sup>39</sup> Walsing. p. 371. Ypod. Neust. p. 563.

The commons were not discouraged by this repulse: in the eleventh of the king, they returned to the charge with more zeal than before: they made a calculation of all the ecclesiastical revenues, which, by their account, amounted to four hundred and eighty-five thousand marks a year, and contained eighteen thousand four hundred ploughs of land. They proposed to divide this property among fifteen new earls, one thousand five hundred knights, six thousand esquires, and a hundred hospitals, besides twenty thousand pounds a year, which the king might take for his own use; and they insisted, that the clerical functions would be better performed than at present by fifteen thousand parish priests, paid at the rate of seven marks apiece of yearly stipend.<sup>41</sup> This application was accompanied with an address for mitigating the statutes enacted against the Lollards, which shows from what source the address came. The king gave the commons a severe reply and further to satisfy the church, and to prove that he was

quite in earnest, he ordered a Lollard to be burned before the dissolution of the parliament.<sup>42</sup>

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<sup>40</sup> Walsing. p. 379. Tit. Livius.

<sup>41</sup> Rymer, vol. viii. p. 627. Otterborne> p. 267.

We have now related almost all the memorable transactions of this <sup>1413</sup>. reign, which was busy and active, but produced few events that deserve to be transmitted to posterity. The king was so much employed in defending his crown, which he had obtained by unwarrantable means, and possessed by a bad title, that he had little leisure to look abroad, or perform any action which might redound to the honor and advantage of the nation. His health declined some months before his death; he was subject to fits, which bereaved him, for the time, of his senses; and though he was yet in the flower of his age, his end was visibly approaching. He expired at Westminster, in the forty-sixth year of his age, and the thirteenth of his reign.

The great popularity which Henry enjoyed before he attained the crown, and which had so much aided him in the acquisition of it, was entirely lost many years before the end of his reign; and he governed his people more by terror than by affection, more by his own policy than by their sense of duty or allegiance. When men came to reflect, in cool blood, on the crimes which had led him to the throne; the rebellion against his prince; the deposition of a lawful king, guilty sometimes, perhaps, of oppression, but more frequently of indiscretion; the exclusion of the true heir; the murder of his sovereign and near relation; these were such enormities as drew on him the hatred of his subjects, sanctified all the rebellions against him, and made the executions, though not remarkably severe, which he found necessary for the maintenance of his authority, appear cruel as well as iniquitous to the people. Yet, without pretending to apologize for these crimes, which must ever be held in detestation, it may be remarked, that he was insensibly led into this blamable conduct by a train of incidents which few men possess virtue enough to withstand. The injustice with which his predecessor had treated him, in first condemning



him to banishment, then despoiling him of his patrimony, made him naturally think of revenge, and of recovering his lost rights; the headlong zeal of the people hurried him into the throne; the care of his own security, as well as his ambition, made him a usurper; and the steps have always been so few between the prisons of princes and their graves, that we need not wonder that Richard's fate was no exception to the general rule. All these considerations make Henry's situation, if he retained any sense of virtue, much to be lamented; and the inquietude with which he possessed his envied greatness, and the remorse by which, it is said, he was continually haunted, render him an object of our pity, even when seated upon the throne. But it must be owned, that his prudence, and vigilance, and foresight, in maintaining his power, were admirable; his command of temper remarkable; his courage, both military and political, without blemish; and he possessed many qualities which fitted him for his high station, and which rendered his usurpation of it, though pernicious in after times, rather salutary, during his own reign, to the English nation.

Henry was twice married: by his first wife, Mary deBohun, daughter and coheir of the earl of Hereford, he had four sons, Henry, his successor in the throne, Thomas, duke of Clarence, John, duke of Bedford, and Humphrey, duke of Gloucester: and two daughters, Blanche and Philippa; the former married to the duke of Bavaria, the latter to the king of Denmark. His second wife, Jane, whom he married after he was king, and who was daughter of the king of Navarre, and widow of the duke of Brittany, brought him no issue.

By an act of the fifth of this reign, it is made felony to cut out any person's tongue, or put out his eyes; crimes which, the act says, were very frequent. This savage spirit of revenge denotes a barbarous people; though, perhaps, it was increased by the prevailing factions and civil commotions.

Commerce was very little understood in this reign, as in all the preceding. In particular, a great jealousy prevailed against merchant strangers; and many restraints were by law imposed upon them; namely, that they should lay out in English manufactures or commodities all the money acquired by the sale of their goods; that they should not buy or sell

with one another; and that all their goods should be disposed of three months after importation.<sup>43</sup>

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<sup>42</sup> 4 Henry IV. cap. 15, and 5 Henry IV. cap. 9.

This last clause was found so inconvenient, that it was soon after repealed by parliament.

It appears that the expense of this king's household amounted to the yearly sum of nineteen thousand five hundred pounds, money of that age.<sup>44</sup>

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<sup>43</sup> Rymer, tom. viii. p. 610.

Guicciardin tells us, that the Flemings in this century learned from Italy all the refinements in arts, which they taught the rest of Europe. The progress, however, of the arts was still very slow and backward in England.



## CHAPTER 19.

### HENRY V.

THE many jealousies to which Henry IV.'s situation naturally exposed <sup>1413</sup> him, had so infected his temper, that he had entertained unreasonable suspicions with regard to the fidelity of his eldest son; and during the latter years of his life, he had excluded that prince from all share in public business, and was even displeased to see him at the head of armies, where his martial talents, though useful to the support of government, acquired him a renown, which he thought might prove dangerous to his own authority. The active spirit of young Henry, restrained from its proper exercise, broke out into extravagances of every kind; and the riot of pleasure, the frolic of debauchery, the outrage of wine, filled the vacancies of a mind better adapted to the pursuits of ambition and the cares of government. This course of life threw him among companions, whose disorders, if accompanied with spirit and humor, he indulged and seconded; and he was detected in many sallies, which, to severer eyes, appeared totally unworthy of his rank and station. There even remains a tradition that, when heated with liquor and jollity, he scrupled not to accompany his riotous associates in attacking the passengers on the streets and highways, and despoiling them of their goods; and he found an amusement in the incidents which the terror and regret of these defenceless people produced on such occasions. This extreme of dissoluteness proved equally disagreeable to his father, as that eager application to business which had at first given him occasion of jealousy; and he saw in his son's behavior the same neglect of decency, the same attachment to low company, which had degraded the personal character of Richard, and which, more than all his errors in government, had tended to overturn his throne. But the nation in general considered the young prince with more indulgence; and observed so many gleams of generosity, spirit, and magnanimity, breaking continually through the cloud which a wild conduct threw over his character, that they never ceased hoping for his amendment; and they ascribed all the weeds, which shot up in that rich

soil, to the want of proper culture and attention in the king and his ministers. There happened an incident which encouraged these agreeable views, and gave much occasion for favorable reflections to all men of sense and candor. A riotous companion of the prince's had been indicted before Gascoigne, the chief justice, for some disorders; and Henry was not ashamed to appear at the bar with the criminal, in order to give him countenance and protection. Finding that his presence had not overawed the chief justice, he proceeded to insult that magistrate on his tribunal; but Gascoigne, mindful of the character which he then bore, and the majesty of the sovereign and of the laws which he sustained, ordered the prince to be carried to prison for his rude behavior.<sup>1</sup> The spectators were agreeably disappointed, when they saw the heir of the crown submit peaceably to this sentence, make reparation for his error by acknowledging it, and check his impetuous nature in the midst of its extravagant career.

The memory of this incident, and of many others of a like nature, rendered the prospect of the future reign nowise disagreeable to the nation, and increased the joy which the death of so unpopular a prince as the late king naturally occasioned. The first steps taken by the young prince confirmed all those prepossessions entertained in his favor.<sup>2</sup> He called together his former companions, acquainted them with his intended reformation, exhorted them to imitate his example, but strictly inhibited them, till they had given proofs of their sincerity in this particular, from appearing any more in his presence; and he thus dismissed them with liberal presents.<sup>3</sup>

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<sup>1</sup> Hall, fol. 33.

<sup>2</sup> Walsing, p. 382.

<sup>3</sup> Hall, fol. 33. Holingshed, p. 543. Godwin's Life of Henry V, p. 1

The wise ministers of his father, who had checked his riots, found that they had unknowingly been paying the highest court to him; and were received with all the marks of favor and confidence. The chief justice himself, who trembled to approach the royal presence, met with praises instead of reproaches for his past conduct, and was exhorted to persevere in the same

rigorous and impartial execution of the laws. The surprise of those who expected an opposite behavior, augmented their satisfaction; and the character of the young king appeared brighter than if it had never been shaded by any errors.

But Henry was anxious not only to repair his own misconduct, but also to make amends for those iniquities into which policy or the necessity of affairs had betrayed his father. He expressed the deepest sorrow for the fate of the unhappy Richard, did justice to the memory of that unfortunate prince, even performed his funeral obsequies with pomp and solemnity, and cherished all those who had distinguished themselves by their loyalty and attachment towards him.<sup>4</sup> Instead of continuing the restraints which the jealousy of his father had imposed on the earl of Marche, he received that young nobleman with singular courtesy and favor; and by this magnanimity so gained on the gentle and unambitious nature of his competitor, that he remained ever after sincerely attached to him, and gave him no disturbance in his future government. The family of Piercy was restored to its fortune and honors.<sup>5</sup> The king seemed ambitious to bury all party distinctions in oblivion: the instruments of the preceding reign, who had been advanced from their blind zeal for the Lancastrian interests, more than from their merits, gave place every where to men of more honorable characters; virtue seemed now to have an open career, in which it might exert itself: the exhortations, as well as example of the prince, gave it encouragement: all men were unanimous in their attachment to Henry; and the defects of his title were forgotten, amidst the personal regard which was universally paid to him.

There remained among the people only one party distinction, which was derived from religious differences, and which, as it is of a peculiar and commonly a very obstinate nature, the popularity of Henry was not able to overcome. The Lollards were every day increasing in the kingdom, and were become a formed party, which appeared extremely dangerous to the church, and even formidable to the civil authority.<sup>6</sup> The enthusiasm by which these sectaries were generally actuated the great alterations which they pretended to introduce, the hatred which they expressed against the established hierarchy, gave an alarm to Henry; who, either from a sincere attachment to the ancient religion, or from a dread of the unknown

consequences which attend all important changes, was determined to execute the laws against such bold innovators.

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<sup>4</sup> Hist. Croyland. Contin. Hall, fol. 34. Holing, p. 544.

<sup>5</sup> Holing, p. 545.

<sup>6</sup> Walsing. p. 382.

The head of this sect was Sir John Oldcastle, Lord Cobham, a nobleman who had distinguished himself by his valor and his military talents, and had, on many occasions, acquired the esteem both of the late and of the present king.<sup>7</sup> His high character and his zeal for the new sect pointed him out to Arundel, archbishop of Canterbury, as the proper victim of ecclesiastical severity, whose punishment would strike a terror into the whole party, and teach them that they must expect no mercy under the present administration. He applied to Henry for a permission to indict Lord Cobham;<sup>8</sup> but the generous nature of the prince was averse to such sanguinary methods of conversion. He represented to the primate, that reason and conviction were the best expedients for supporting truth; that all gentle means ought first to be tried, in order to reclaim men from error; and that he himself would endeavor, by a conversation with Cobham, to reconcile him to the Catholic faith. But he found that nobleman obstinate in his opinions, and determined not to sacrifice truths of such infinite moment to his complaisance for sovereigns.<sup>9</sup>

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<sup>7</sup> Walsing. p. 382.

<sup>8</sup> Fox's Acts and Monuments, p. 513.

<sup>9</sup> Rymer, vol ix. p. 61. Walsing. p. 383.

Henry's principles of toleration, or rather his love of the practice, could carry him no farther; and he then gave full reins to ecclesiastical severity against the inflexible heresiarch. The primate indicted Cobham, and with the assistance of his three suffragans, the bishops of London, Winchester,

and St. David's, condemned him to the flames for his erroneous opinions. Cobham, who was confined in the Tower, made his escape before the day appointed for his execution. The bold spirit of the man, provoked by persecution and stimulated by zeal, was urged to attempt the most criminal enterprises; and his unlimited authority over the new sect proved that he well merited the attention of the civil magistrate. He formed in his retreat very violent designs against his enemies; and despatching his emissaries to all quarters, appointed a general rendezvous of the party, in order to seize the person of the king at Eltham, and put their persecutors to the sword.<sup>10</sup>

Henry, apprised of their intention, removed to Westminster: Cobham <sup>1414</sup> was not discouraged by this disappointment; but changed the place of rendezvous to the field near St. Giles; the king, having shut the gates of the city, to prevent any reinforcement to the Lollards from that quarter, came into the field in the night-time, seized such of the conspirators as appeared, and afterwards laid hold of the several parties who were hastening to the place appointed. It appeared, that a few only were in the secret of the conspiracy; the rest implicitly followed their leaders: but upon the trial of the prisoners, the treasonable designs of the sect were rendered certain, both from evidence and from the confession of the criminals themselves.<sup>11</sup> Some were executed; the greater number pardoned.<sup>12</sup> Cobham himself, who made his escape by flight, was not brought to justice till four years after; when he was hanged as a traitor; and his body was burnt on the gibbet, in execution of the sentence pronounced against him as a heretic.<sup>13</sup> This criminal design, which was perhaps somewhat aggravated by the clergy, brought discredit upon the party, and checked the progress of that sect, which had embraced the speculative doctrines of Wickliffe, and at the same time aspired to a reformation of ecclesiastical abuses.

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<sup>10</sup> Walsing. p. 385.

<sup>11</sup> Cotton, p. 554. Hall, fol. 35. Holing, p. 544.

<sup>12</sup> Rymer, vol. ix. p. 119, 129, 193.

<sup>13</sup> Walsing. p. 400. Otterborne, p. 280. Holing, p. 561.

These two points were the great objects of the Lollards; but the bulk of the nation was not affected in the same degree by both of them. Common sense and obvious reflection had discovered to the people the advantages of a reformation in discipline; but the age was not yet so far advanced as to be seized with the spirit of controversy, or to enter into those abstruse doctrines which the Lollards endeavored to propagate throughout the kingdom. The very notion of heresy alarmed the generality of the people: innovation in fundamental principles was suspicious: curiosity was not, as yet, a sufficient counterpoise to authority; and even many, who were the greatest friends to the reformation of abuses, were anxious to express their detestation of the speculative tenants of the Wickliffites, which, they feared, threw disgrace on so good a cause. This turn of thought appears evidently in the proceedings of the parliament which was summoned immediately after the detection of Cobham's conspiracy. That assembly passed severe laws against the new heretics: they enacted, that whoever was convicted of Lollardy before the ordinary besides suffering capital punishment according to the laws formerly established, should also forfeit his lands and goods to the king; and that the chancellor, treasurer, justices of the two benches, sheriffs, justices of the peace, and all the chief magistrates in every city and borough, should take an oath to use their utmost endeavors for the extirpation of heresy.<sup>14</sup> Yet this very parliament, when the king demanded supply, renewed the offer formerly pressed upon his father, and entreated him to seize all the ecclesiastical revenues, and convert them to the use of the crown.<sup>15</sup> The clergy were alarmed: they could offer the king no bribe which was equivalent: they only agreed to confer on him all the priories alien, which depended on capital abbeys in Normandy, and had been bequeathed to these abbeys, when that province remained united to England: and Chicheley, now archbishop of Canterbury, endeavored to divert the blow by giving occupation to the king, and by persuading him to undertake a war against France, in order to recover his lost rights to that kingdom.<sup>16</sup>

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<sup>14</sup> 2 Henry V. chap. 7.

<sup>15</sup> Hall, fol. 35.



It was the dying injunction of the late king to his son, not to allow the English to remain long in peace, which was apt to breed intestine commotions; but to employ them in foreign expeditions, by which the prince might acquire honor; the nobility, in sharing his dangers, might attach themselves to his person; and all the restless spirits find occupation for their inquietude. The natural disposition of Henry sufficiently inclined him to follow this advice, and the civil disorders of France, which had been prolonged beyond those of England, opened a full career to his ambition.

The death of Charles V., which followed soon after that of Edward III., <sup>1415</sup> and the youth of his son, Charles VI., put the two kingdoms for some time in a similar situation; and it was not to be apprehended, that either of them, during a minority, would be able to make much advantage of the weakness of the other. The jealousies also between Charles's three uncles, the dukes of Anjou, Bern, and Burgundy, had distracted the affairs of France rather more than those between the dukes of Lancaster, York, and Gloucester. Richard's three uncles, disordered those of England; and had carried off the attention of the French nation from any vigorous enterprise against foreign states. But in proportion as Charles advanced in years, the factions were composed; his two uncles, the dukes of Anjou and Burgundy, died; and the king himself, assuming the reins of government, discovered symptoms of genius and spirit, which revived the drooping hopes of his country. This promising state of affairs was not of long duration: the unhappy prince fell suddenly into a fit of frenzy, which rendered him incapable of exercising his authority; and though he recovered from this disorder, he was so subject to relapses, that his judgment was gradually but sensibly impaired, and no steady plan of government could be pursued by him. The administration of affairs was disputed between his brother, Lewis, duke of Orleans, and his cousin-german, John, duke of Burgundy: the propinquity to the crown pleaded in favor of the former: the latter, who, in right of his mother, had inherited the county of Flanders, which he annexed to his father's extensive dominions, derived a lustre from his superior power: the people were divided between these contending princes; and the king, now resuming, now dropping his authority, kept the

victory undecided, and prevented any regular settlement of the state by the final prevalence of either party.

At length, the dukes of Orleans and Burgundy, seeming to be moved by the cries of the nation, and by the interposition of common friends, agreed to bury all past quarrels in oblivion, and to enter into strict amity: they swore before the altar the sincerity of their friendship; the priest administered the sacrament to both of them; they gave to each other every pledge which could be deemed sacred among men: but all this solemn preparation was only a cover for the basest treachery, which was deliberately premeditated by the duke of Burgundy. He procured his rival to be assassinated in the streets of Paris: he endeavored for some time to conceal the part which he took in the crime; but being detected, he embraced a resolution still more criminal and more dangerous to society, by openly avowing and justifying it.<sup>17</sup>

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<sup>17</sup> Le Laboureur, liv. xxvii. chap. 23, 24.

The parliament itself of Paris, the tribunal of justice, heard the harangues of the duke's advocate in defence of assassination, which he termed tyrannicide; and that assembly, partly influenced by faction, partly overawed by power, pronounced no sentence of condemnation against this detestable doctrine.<sup>18</sup>

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<sup>18</sup> Le Laboureur, liv. xxvii. chap. 27. Monstrelet. chap. 39.

The same question was afterwards agitated before the council of Constance; and it was with difficulty that a feeble decision in favor of the contrary opinion, was procured from these fathers of the church, the ministers of peace and of religion. But the mischievous effects of that tenet, had they been before anywise doubtful, appeared sufficiently from the present incidents. The commission of this crime, which destroyed all trust and security, rendered the war implacable between the French parties, and cut off every means of peace and accommodation. The princes

of the blood, combining with the young duke of Orleans and his brothers, made violent war on the duke of Burgundy; and the unhappy king, seized sometimes by one party, sometimes by the other, transferred alternately to each of them the appearance of legal authority. The provinces were laid waste by mutual depredations: assassinations were every where committed, from the animosity of the several leaders; or, what was equally terrible, executions were ordered, without any legal or free trial, by pretended courts of judicature. The whole kingdom was distinguished into two parties, the Burgundians and the Armagnacs; so the adherents of the young duke of Orleans were called, from the count of Armagnac, father-in-law to that prince. The city of Paris, distracted between them, but inclining more to the Burgundians, was a perpetual scene of blood and violence; the king and royal family were often detained captives in the hands of the populace; their faithful ministers were butchered or imprisoned before their face; and it was dangerous for any man, amidst these enraged factions, to be distinguished by a strict adherence to the principles of probity and honor.

During this scene of general violence, there rose into some consideration a body of men, which usually makes no figure in public transactions, even during the most peaceful times; and that was the university of Paris, whose opinion was sometimes demanded, and more frequently offered, in the multiplied disputes between the parties. The schism by which the church was at that time divided, and which occasioned frequent controversies in the university, had raised the professors to an unusual degree of importance; and this connection between literature and superstition had bestowed on the former a weight to which reason and knowledge are not of themselves anywise entitled among men. But there was another society, whose sentiments were much more decisive, at Paris,—the fraternity of butchers, who, under the direction of their ringleaders, had declared for the duke of Burgundy, and committed the most violent outrages against the opposite party. To counterbalance their power, the Armagnacs made interest with the fraternity of carpenters; the populace ranged themselves on one side or the other; and the fate of the capital depended on the prevalence of either party.

The advantage which might be made of these confusions was easily perceived in England; and, according to the maxims which usually prevail among nations, it was determined to lay hold of the favorable opportunity. The late king, who was courted by both the French parties, fomented the quarrel, by alternately sending assistance to each; but the present sovereign, impelled by the vigor of youth and the ardor of ambition, determined to push his advantages to a greater length, and to carry violent war into that distracted kingdom. But while he was making preparations for this end, he tried to effect his purpose by negotiation; and he sent over ambassadors to Paris, offering a perpetual peace and alliance; but demanding Catharine, the French king's daughter, in marriage, two millions of crowns as her portion, one million six hundred thousand as the arrears of King John's ransom, and the immediate possession and full sovereignty of Normandy, and of all the other provinces which had been ravished from England by the arms of Philip Augustus; together with the superiority of Brittany and Flanders.<sup>19</sup> Such exorbitant demands show that he was sensible of the present miserable condition of France; and the terms offered by the French court, though much inferior, discover their consciousness of the same melancholy truth. They were willing to give him the princess in marriage, to pay him eight hundred thousand crowns, to resign the entire sovereignty of Guienne, and to annex to that province the country of Perigord, Rovergue Xaintonge, the Angoumois, and other territories.<sup>20</sup>

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<sup>19</sup> Rymer, vol. ix. p. 208.

<sup>20</sup> Rymer, vol. ix. p. 211.

It is reported by some historians, (see Hist. Croyl. Cont. p. 500,) that the dauphin, in derision of Henry's claims and dissolute character, sent him a box of tennis balls; intimating, that these implements of play were better adapted to him than the instruments of war. But this story is by no means credible; rejected these conditions, and scarcely hoped that his own demands would be complied with, he never intermitted a moment his preparations for war; and having assembled a great fleet and army at

Southampton, having invited all the nobility and military men of the kingdom to attend him by the hopes of glory and of conquest, he came to the sea-side with a purpose of embarking on his expedition.

But while Henry was meditating conquests upon his neighbors, he unexpectedly found himself in danger from a conspiracy at home, which was happily detected in its infancy. The earl of Cambridge, second son of the late duke of York, having espoused the sister of the earl of Marche, had zealously embraced the interests of that family; and had held some conferences with Lord Scrope of Masham, and Sir Thomas Grey of Heton, about the means of recovering to that nobleman his right to the crown of England. The conspirators, as soon as detected, acknowledged their guilt to the king; <sup>21</sup> and Henry proceeded without delay to their trial and condemnation. The utmost that could be expected of the best king in those ages, was, that he would so far observe the essentials of justice, as not to make an innocent person a victim to his severity; but as to the formalities of law, which are often as material as the essentials themselves, they were sacrificed without scruple to the least interest or convenience. A jury of commoners was summoned: the three conspirators were indicted before them: the constable of Southampton Castle swore that they had separately confessed their guilt to him: without other evidence, Sir Thomas Grey was condemned and executed; but as the earl of Cambridge and Lord Scrope pleaded the privilege of their peerage, Henry thought proper to summon a court of eighteen barons, in which the duke of Clarence presided: the evidence given before the jury was read to them: the prisoners, though one of them was a prince of the blood, were not examined, nor produced in court, nor heard in their own defence; but received sentence of death upon this proof, which was every way irregular and unsatisfactory; and the sentence was soon after executed. The earl of Marche was accused of having given his approbation to the conspiracy, and received a general pardon from the great offers made by the court of France show that they had already entertained a just idea of Henry's character, as well as of their own situation.

The successes which the arms of England have, in different ages, obtained over those of France, have been much owing to the favorable situation of the former kingdom. The English, happily seated in an island,

could make advantage of every misfortune which attended their neighbors, and were little exposed to the danger of reprisals. They never left their own country but when they were conducted by a king of extraordinary genius, or found their enemy divided by intestine factions, or were supported by a powerful alliance on the continent; and as all these circumstances concurred at present to favor their enterprise, they had reason to expect from it proportionable success. The duke of Burgundy, expelled France by a combination of the princes, had been secretly soliciting the alliance of England; <sup>21</sup> and Henry knew that this prince, though he scrupled at first to join the inveterate enemy of his country, would willingly, if he saw any probability of success, both assist him with his Flemish subjects, and draw over to the same side all his numerous partisans in France. Trusting, therefore, to this circumstance, but without establishing any concert with the duke, he put to sea, and landed near Harfleur, at the head of an army of six thousand men at arms, and twenty-four thousand foot, mostly archers. He immediately began the siege of that place, which was valiantly defended by D'Estouteville, and under him by De Guitri, De Gaucourt, and others of the French nobility; but as the garrison was weak, and the fortifications in bad repair, the governor was at last obliged to capitulate; and he promised to surrender the place, if he received no succor before the eighteenth of September. The day came, and there was no appearance of a French army to relieve him. Henry, taking possession of the town, placed a garrison in it, and expelled all the French inhabitants, with an intention of peopling it anew with English.

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<sup>21</sup> Rymer, vol. ix. p. 303.

<sup>22</sup> St. Remi, chap. lv. Godwin, p. 65

The fatigues of this siege, and the unusual heat of the season, had so wasted the English army, that Henry could enter on no further enterprise; and was obliged to think of returning into England. He had dismissed his transports, which could not anchor in an open road upon the enemy's coasts; and he lay under a necessity of marching by land to Calais, before he could reach a place of safety. A numerous French army of fourteen

thousand men at arms and forty thousand foot, was by this time assembled in Normandy under the constable D'Albret; a force which, if prudently conducted, was sufficient either to trample down the English in the open field, or to harass and reduce to nothing their small army, before they could finish so long and difficult a march. Henry, therefore, cautiously offered to sacrifice his conquest of Harfleur for a safe passage to Calais; but his proposal being rejected, he determined to make his way by valor and conduct through all the opposition of the enemy.<sup>23</sup> That he might not discourage his army by the appearance of flight, or expose them to those hazards which naturally attend precipitate marches, he made slow and deliberate journeys,<sup>24</sup> till he reached the Somme, which he purposed to pass at the ford of Blanquetague, the same place where Edward, in a like situation, had before escaped from Philip de Valois. But he found the ford rendered impassable by the precaution of the French general, and guarded by a strong body on the opposite bank;<sup>25</sup> and he was obliged to march higher up the river, in order to seek for a safe passage. He was continually harassed on his march by flying parties of the enemy; saw bodies of troops on the other side ready to oppose every attempt; his provisions were cut off; his soldiers languished with sickness and fatigue; and his affairs seemed to be reduced to a desperate situation; when he was so dexterous or so fortunate as to seize, by surprise, a passage near St. Quintin, which had not been sufficiently guarded; and he safely carried over his army.<sup>26</sup>

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<sup>23</sup> Le Laboureur, liv. xxxv. chap. 6. \* T. Livii, p. 12

<sup>24</sup> St. Remi, chap, 58. \* T. Livii, p. 13

Henry then bent his march northwards to Calais; but he was still exposed to great and imminent danger from the enemy, who had also passed the Somme, and threw themselves full in his way, with a purpose of intercepting his retreat. After he had passed the small river of Ternois at Blangi, he was surprised to observe from the heights the whole French army drawn up in the plains of Azincour, and so posted that it was impossible for him to proceed on his march without coming to an engagement. Nothing in appearance could be more unequal than the battle

upon which his safety and all his fortunes now depended. The English army was little, more than half the number which had disembarked at Harfleur; and they labored under every discouragement and necessity. The enemy was four times more numerous; was headed by the dauphin and all the princes of the blood; and was plentifully supplied with provisions of every kind. Henry's situation was exactly similar to that of Edward at Crecy, and that of the Black Prince at Poitiers; and the memory of these great events, inspiring the English with courage, made them hope for a like deliverance from their present difficulties. The king likewise observed the same prudent conduct which had been followed by these great commanders: he drew up his army on a narrow ground between two woods, which guarded each flank; and he patiently expected in that posture the attack of the enemy.<sup>27</sup> Had the French constable been able either to reason justly upon the present circumstances of the two armies, or to profit by past experience, he had declined a combat, and had waited till necessity, obliging the English to advance, had made them relinquish the advantages of their situation. But the impetuous valor of the nobility, and a vain confidence in superior numbers, brought on this fatal action, which proved the source of infinite calamities to their country. The French archers on horseback and their men at arms, crowded in their ranks, advanced upon the English archers, who had fixed palisadoes in their front to break the impression of the enemy, and who safely plied them, from behind that defence, with a shower of arrows, which nothing could resist.<sup>28</sup>

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<sup>25</sup> St. Remi, chap. 62.

<sup>26</sup> Walsing. p. 392. T. Livii, p. 19. Le Laboureur, liv. xxxv chap, 7. Monstrelet, chap. 147.

The clay soil, moistened by some rain which had lately fallen, proved another obstacle to the force of the French cavalry: the wounded men and horses discomposed their ranks: the narrow compass in which they were pent hindered them from recovering any order: the whole army was a scene of confusion, terror, and dismay: and Henry, perceiving his advantage, ordered the English archers, who were light and unencumbered, to advance upon the enemy, and seize the moment of



victory. They fell with their battle-axes upon the French, who, in their present posture, were incapable either of flying or of making defence: they hewed them in pieces without resistance:<sup>29</sup> and being seconded by the men at arms who also pushed on against the enemy, they covered the field with the killed, wounded, dismounted, and overthrown.

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<sup>27</sup> Walsing. p. 393. Ypod. Neust. p. 584.

After all appearance of opposition was over, the English had leisure to make prisoners; and having advanced with uninterrupted success to the open plain, they there saw the remains of the French rear guard, which still maintained the appearance of a line of battle. At the same time, they heard an alarm from behind: some gentlemen of Picardy, having collected about six hundred peasants, had fallen upon the English baggage, and were doing execution on the unarmed followers of the camp, who fled before them, Henry, seeing the enemy on all sides of him, began to entertain apprehensions from his prisoners; and he thought it necessary to issue general orders for putting them to death: but on discovering the truth, he stopped the slaughter, and was still able to save a great number.

No battle was ever more fatal to France, by the number of princes and nobility slain or taken prisoners. Among the former were the constable himself, the count of Nevers and the duke of Brabant, brothers to the duke of Burgundy; the count of Vaudemont, brother to the duke of Lorraine, the duke of Alençon, the duke of Barre, the count of Marle. The most eminent prisoners were the dukes of Orleans and Bourbon, the Counts d'Eu, Vendôme, and Richemont, and the mareschal of Boucicaut. An archbishop of Sens also was slain in this battle. The killed are computed on the whole to have amounted to ten thousand men; and as the slaughter fell chiefly upon the cavalry, it is pretended that, of these, eight thousand were gentlemen. Henry was master of fourteen thousand prisoners. The person of chief note who fell among the English, was the duke of York, who perished fighting by the king's side, and had an end more honorable than his life. He was succeeded in his honors and fortune by his nephew, son of the earl of Cambridge, executed in the beginning of the year. All the

English who were slain exceeded not forty; though some writers, with greater probability, make the number more considerable.

The three great battles of Crecy, Poitiers, and Azincour bear a singular resemblance to each other in their most considerable circumstances. In all of them there appears the same temerity in the English princes, who, without any object of moment, merely for the sake of plunder, had ventured so far into the enemy's country as to leave themselves no retreat; and unless saved by the utmost imprudence in the French commanders, were, from their very situation, exposed to inevitable destruction. But allowance being made for this temerity, which, according to the irregular plans of war followed in those ages, seems to have been, in some measure, unavoidable there appears, in the day of action, the same presence of mind, dexterity, courage, firmness, and precaution on the part of the English; the same precipitation, confusion, and vain confidence on the part of the French: and the events were such as might have been expected from such opposite conduct. The immediate consequences too of these three great victories were similar: instead of pushing the French with vigor, and taking advantage of their consternation, the English princes, after their victory, seem rather to have relaxed their efforts, and to have allowed the enemy leisure to recover from his losses. Henry interrupted not his march a moment after the battle of Azincour; he carried his prisoners to Calais, thence to England; he even concluded a truce with the enemy; and it was not till after an interval of two years that any body of English troops appeared in France.

The poverty of all the European princes, and the small resources of their kingdoms, were the cause of these continual interruptions in their hostilities; and though the maxims of war were in general destructive, their military operations were mere incursions, which, without any settled plan, they carried on against each other. The lustre, however, attending the victory of Azincour, procured some supplies from the English parliament; though still unequal to the expenses of a campaign. They granted Henry an entire fifteenth of movables; and they conferred on him for life the duties of tonnage and poundage, and the subsidies on the exportation of wool and leather. This concession is more considerable than that which had been granted to Richard II. by his last parliament and which was

afterwards, on his deposition, made so great an article of charge against him.

But during this interruption of hostilities from England, France was exposed to all the furies of civil war, and the several parties became every day more enraged against each other. The duke of Burgundy, confident that the French ministers and generals were entirely discredited by the misfortune at Azincour, advanced with a great army to Paris, and attempted to reinstate himself in possession of the government, as well as of the person of the king. But his partisans in that city were overawed by the court, and kept in subjection: the duke despaired of success; and he retired with his forces, which he immediately disbanded in the Low Countries.<sup>30</sup>

He was soon after invited to make a new attempt, by some violent <sup>1417</sup> quarrels which broke out in the royal family. The queen, Isabella, daughter of the duke of Bavaria, who had been hitherto an inveterate enemy to the Burgundian faction, had received a great injury from the other party, which the implacable spirit of that princess was never able to forgive. The public necessities obliged the count of Armagnac, created constable of France in the place of D'Albret, to seize the great treasures which Isabella had amassed: and when she expressed her displeasure at this injury, he inspired into the weak mind of the king some jealousies concerning her conduct, and pushed him to seize, and put to the torture, and afterwards throw into the Seine, Boisbourdon, her favorite, whom he accused of a commerce of gallantry with that princess. The queen herself was sent to Tours, and confined under a guard;<sup>31</sup> and after suffering these multiplied insults, she no longer scrupled to enter into a correspondence with the duke of Burgundy. As her son, the dauphin Charles, a youth of sixteen, was entirely governed by the faction of Armagnac, she extended her animosity to him, and sought his destruction with the most unrelenting hatred. She had soon an opportunity of rendering her unnatural purpose effectual. The duke of Burgundy, in concert with her, entered France at the head of a great army: he made himself master of Amiens, Abbeville, Dourlens, Montreuil, and other towns in Picardy; Senlis, Rheims, Chalons, Troye, and Auxerre, declared themselves of his party.<sup>32</sup> He got possession of Beaumont, Pontoise, Vernon, Meulant, Montlheri, towns in the

neighborhood of Paris; and carrying further his progress towards the west, he seized Etampes, Chartres, and other fortresses; and was at last able to deliver the queen, who fled to Troye, and openly declared against those ministers who, she said, detained her husband in captivity.<sup>33</sup>

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<sup>28</sup> Le Laboureur, liv. xxxv. chap. 10.

<sup>29</sup> St. Remi, chap. 74. Monstrelet, chap. 167.

<sup>30</sup> St. Remi, chap. 79.

<sup>31</sup> St. Remi, chap. 81. Monstrelet, chap. 178, 179.

Meanwhile the partisans of Burgundy raised a commotion in Paris, which always inclined to that faction. Lile-Adam, one of the duke's captains, was received into the city in the night-time, and headed the insurrection of the people, which in a moment became so impetuous that nothing could oppose it. The person of the king was seized: the dauphin made his escape with difficulty; great numbers of the faction of Armagnac were immediately butchered: the count himself, and many persons of note, were thrown into prison: murders were daily committed from private animosity, under pretence of faction: and the populace, not satiated with their fury, and deeming the course of public justice too dilatory, broke into the prisons, and put to death the count of Armagnac, and all the other nobility who were there confined.<sup>34</sup>

While France was in such furious combustion, and was so ill prepared <sup>1418</sup> to resist a foreign enemy, Henry, having collected some treasure and levied an army, landed in Normandy at the head of twenty-five thousand men; and met with no considerable opposition from any quarter. He made himself master of Falaise; Evreux and Caen submitted to him; Pont de l'Arche opened its gates; and Henry, having subdued all the lower Normandy, and having received a reënforcement of fifteen thousand men from England,<sup>35</sup> formed the siege of Rouen, which was defended by a garrison of four thousand men, seconded by the inhabitants, to the number of fifteen thousand.<sup>36</sup> The cardinal des Ursins here attempted to incline him towards peace, and to moderate his pretensions; but the king replied to him in such terms as showed that he was fully sensible of all his

present advantages: “Do you not see,” said he, “that God has led me hither as by the hand? France has no sovereign: I have just pretensions to that kingdom: every thing is here in the utmost confusion: no one thinks of resisting me. Can I have a more sensible proof, that the Being who disposes of empires has determined to put the crown of France upon my head?”<sup>37</sup>

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<sup>32</sup> St. Remi, chap. 85, 86. Monstrelet, chap. 118.

<sup>33</sup> Walsing. p. 100.

<sup>34</sup> St. Remi, chap. 31

<sup>35</sup> Juvenal des Ursins.

But though Henry had opened his mind to this scheme of ambition, he still continued to negotiate with his enemies, and endeavored to obtain more secure, though less considerable advantages. He made, at the same time, offers of peace to both parties; to the queen and duke of Burgundy on the one hand, who, having possession of the king’s person, carried the appearance of legal authority;<sup>38</sup> and to the dauphin on the other, who, being the undoubted heir of the monarchy, was adhered to by every one that paid any regard to the true interests of their country.<sup>39</sup> These two parties also carried on a continual negotiation with each other. The terms proposed on all sides were perpetually varying: the events of the war and the intrigues of the cabinet intermingled with each other: and the fate of France remained long in this uncertainty. After many negotiations, Henry offered the queen and the duke of Burgundy to make peace with them, to espouse the Princess Catharine, and to accept of all the provinces ceded to Edward III. by the treaty of Bretigni, with the addition of Normandy, which he was to receive in full and entire sovereignty.<sup>40</sup>

These terms were submitted to: there remained only some <sup>1419</sup> circumstances to adjust, in order to the entire completion of the treaty; but in this interval the duke of Burgundy secretly finished his treaty with the dauphin; and these two princes agreed to share the royal authority during King Charles’s lifetime, and to unite their arms in order to expel foreign enemies.<sup>41</sup>

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<sup>36</sup>..... Rymer, vol. ix. p. 717, 749.

<sup>37</sup>..... Rymer, vol. ix. p. 626, etc.

<sup>38</sup>..... Rymer, vol. ix. p. 762.

<sup>39</sup>..... Rymer, vol. ix. p. 776. St. Remi, chap. 95.

This alliance which seemed to cut off from Henry all hopes of further success, proved in the issue the most favorable event that could have happened for his pretensions. Whether the dauphin and the duke of Burgundy were ever sincere in their mutual engagements, is uncertain; but very fatal effects resulted from their momentary and seeming union. The two princes agreed to an interview, in order to concert the means of rendering effectual their common attack on the English; but how both or either of them could with safety venture upon this conference, it seemed somewhat difficult to contrive. The assassination perpetrated by the duke of Burgundy, and still more his open avowal of the deed, and defence of the doctrine, tended to dissolve all the bands of civil society; and even men of honor, who detested the example, might deem it just, on a favorable opportunity, to retaliate upon the author. The duke, therefore, who neither dared to give, nor could pretend to expect, any trust, agreed to all the contrivances for mutual security which were proposed by the ministers of the dauphin. The two princes came to Montereau: the duke lodged in the Castle; the dauphin in the town, which was divided from the castle by the River Yonne: the bridge between them was chosen for the place of interview: two high rails were drawn across the bridge: the gates on each side were guarded, one by the officers of the dauphin, the other by those of the duke: the princes were to enter into the intermediate space by the opposite gates, accompanied each by ten persons; and with all these marks of diffidence, to conciliate their mutual friendship. But it appeared that no precautions are sufficient where laws have no place, and where all principles of honor are utterly abandoned. Tannegui de Chatel, and others of the dauphin's retainers, had been zealous partisans of the late duke of Orleans; and they determined to seize the opportunity of revenging on the assassin the murder of that prince; they no sooner entered the rails, than

they drew their swords and attacked the duke of Burgundy; his friends were astonished and thought not of making any defence; and all of them either shared his fate, or were taken prisoners by the retinue of the dauphin.<sup>42</sup>.....

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<sup>40</sup> St. Remi, chap. 97. Monstrelet, chap. 211.

The extreme youth of this prince made it doubtful whether he had been admitted into the secret of the conspiracy; but as the deed was committed under his eye, by his most intimate friends, who still retained their connections with him, the blame of the action, which was certainly more imprudent than criminal, fell entirely upon him. The whole state of affairs was every where changed by this unexpected incident. The city of Paris, passionately devoted to the family of Burgundy, broke out into the highest fury against the dauphin. The court of King Charles entered from interest into the same views; and as all the ministers of that monarch had owed their preferment to the late duke, and foresaw their downfall if the dauphin should recover possession of his father's person, they were concerned to prevent by any means the success of his enterprise. The queen, persevering in her unnatural animosity against her son, increased the general flame, and inspired into the king, as far as he was susceptible of any sentiment the same prejudices by which she herself had long been actuated. But above all, Philip, count of Charolois, now duke of Burgundy, thought himself bound by every tie of honor and of duty to revenge the murder of his father, and to prosecute the assassin to the utmost extremity. And in this general transport of rage, every consideration of national and family interest was buried in oblivion by all parties: the subjection to a foreign enemy, the expulsion of the lawful heir, the slavery of the kingdom, appeared but small evils, if they led to the gratification of the present passion.

The king of England had, before the death of the duke of Burgundy, profited extremely by the distractions of France and was daily making a considerable progress in Normandy. He had taken Rouen after an obstinate siege:<sup>43</sup>..... he had made himself master of Pontoise and Gisors: he even threatened Paris, and by the terror of his arms had obliged the court

to remove to Troye: and in the midst of his successes, he was agreeably surprised to find his enemies, instead of combining against him for their mutual defence, disposed to rush into his arms, and to make him the instrument of their vengeance upon each other. A league was immediately concluded at Arras between him and the duke of Burgundy. This prince, without stipulating any thing for himself, except the prosecution of his father's murder, and the marriage of the duke of Bedford with his sister, was willing to sacrifice the kingdom to Henry's ambition; and he agreed to every demand made by that monarch.

In order to finish this astonishing treaty, which was to transfer the <sup>1420</sup>. crown of France to a stranger, Henry went to Troye, accompanied by his brothers, the dukes of Clarence and Gloucester; and was there met by the duke of Burgundy. The imbecility into which Charles had fallen, made him incapable of seeing any thing but through the eyes of those who attended him; as they, on their part, saw every thing through the medium of their passions. The treaty, being already concerted among the parties, was immediately drawn, and signed, and ratified: Henry's will seemed to be a law throughout the whole negotiation: nothing was attended to but his advantages.

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<sup>41</sup> T. Livij, p. 69. Monstrelet, chap. 201.

The principal articles of the treaty were, that Henry should espouse the Princess Catharine: that King Charles, during his lifetime, should enjoy the title and dignity of king of France: that Henry should be declared and acknowledged heir of the monarchy, and be intrusted with the present administration of the government: that that kingdom should pass to his heirs general: that France and England should forever be united under one king; but should still retain their several usages, customs, and privileges: that all the princes, peers, vassals, and communities of France should swear, that they would both adhere to the future succession of Henry, and pay him present obedience as regent: that this prince should unite his arms to those of King Charles and the duke of Burgundy, in order to subdue the adherents of Charles, the pretended dauphin: and that these



three princes should make no peace or truce with him but by common consent and agreement.<sup>44</sup>

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<sup>42</sup> Rymer, vol. ix. p. 895. St. Remi, chap 101. Monstrelet, chap. 223.

Such was the tenor of this famous treaty; a treaty which, as nothing but the most violent animosity could dictate it, so nothing but the power of the sword could carry into execution. It is hard to say whether its consequences, had it taken effect, would have proved more pernicious to England or to France. It must have reduced the former kingdom to the rank of a province: it would have entirely disjointed the succession of the latter, and have brought on the destruction of every descendant of the royal family; as the houses of Orleans, Anjou, Alençon, Brittany, Bourbon, and of Burgundy itself, whose titles were preferable to that of the English princes, would on that account have been exposed to perpetual jealousy and persecution from the sovereign. There was even a palpable deficiency in Henry's claim, which no art could palliate. For, besides the insuperable objections to which Edward III.'s pretensions were exposed, he was not heir to that monarch: if female succession were admitted, the right had devolved on the house of Mortimer: allowing that Richard II. was a tyrant, and that Henry IV.'s merits in deposing him were so great towards the English, as to justify that nation in placing him on the throne, Richard had nowise offended France, and his rival had merited nothing of that kingdom: it could not possibly be pretended, that the crown of France was become an appendage to that of England; and that a prince, who by any means got possession of the latter, was, without further question, entitled to the former. So that, on the whole, it must be allowed that Henry's claim to France was, if possible, still more unintelligible than the title by which his father had mounted the throne of England.

But though all these considerations were overlooked, amidst the hurry of passion by which the courts of France and Burgundy were actuated, they would necessarily revive during times of more tranquillity; and it behoved Henry to push his present advantages, and allow men no leisure for reason or reflection. In a few days after, he espoused the Princess Catharine: he carried his father-in-law to Paris, and put himself in possession of that

capital: he obtained from the parliament and the three estates a ratification of the treaty of Troye: he supported the duke of Burgundy in procuring a sentence against the murderers of his father: and he immediately turned his arms with success against the adherents of the dauphin, who, as soon as he heard of the treaty of Troye, took on him the style and authority of regent, and appealed to God and his sword for the maintenance of his title.

The first place that Henry subdued was Sens, which opened its gates after a slight resistance. With the same facility he made himself master of Montereau. The defence of Melun was more obstinate: Barbasan, the governor, held out for the space of four months against the besiegers; and it was famine alone which obliged him to capitulate. Henry stipulated to spare the lives of all the garrison, except such as were accomplices in the murder of the duke of Burgundy; and as Barbasan himself was suspected to be of the number, his punishment was demanded by Philip: but the king had the generosity to intercede for him, and to prevent his execution.<sup>45</sup>

The necessity of providing supplies both of men and money, obliged <sup>1421</sup>. Henry to go over to England; and he left the duke of Exeter, his uncle, governor of Paris during his absence. The authority which naturally attends success, procured from the English parliament a subsidy of a fifteenth; but, if we may judge by the scantiness of the supply, the nation was nowise sanguine on their king's victories; and in proportion as the prospect of their union with France became nearer, they began to open their eyes, and to see the dangerous consequences with which that event must necessarily be attended. It was fortunate for Henry that he had other resources, besides pecuniary supplies from his native subjects. The provinces which he had already conquered maintained his troops; and the hopes of further advantages allured to his standard all men of ambitious spirits in England, who desired to signalize themselves by arms. He levied a new army of twenty-four thousand archers and four thousand horsemen,<sup>46</sup> and marched them to Dover, the place of rendezvous.

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<sup>43</sup> Holingshed, p. 577.

<sup>44</sup> Monstrelet, chap. 242.

Every thing had remained in tranquillity at Paris under the duke of Exeter but there had happened, in another quarter of the kingdom, a misfortune which hastened the king's embarkation.

The detention of the young king of Scots in England had hitherto proved advantageous to Henry; and by keeping the regent in awe, had preserved, during the whole course of the French war, the northern frontier in tranquillity. But when intelligence arrived in Scotland of the progress made by Henry, and the near prospect of his succession to the crown of France, the nation was alarmed, and foresaw their own inevitable ruin, if the subjection of their ally left them to combat alone a victorious enemy, who was already so much superior in power and riches. The regent entered into the same views; and though he declined an open rupture with England, he permitted a body of seven thousand Scots, under the command of the earl of Buchan, his second son, to be transported into France for the service of the dauphin. To render this aid ineffectual, Henry had, in his former expedition, carried over the king of Scots, whom he obliged to send orders to his countrymen to leave the French service; but the Scottish general replied, that he would obey no commands which came from a king in captivity, and that a prince, while in the hands of his enemy, was nowise entitled to authority. These troops, therefore, continued still to act under the earl of Buchan: and were employed by the dauphin to oppose the progress of the duke of Clarence in Anjou. The two armies encountered at Baugé: the English were defeated: the duke himself was slain by Sir Allan Swinton, a Scotch knight, who commanded a company of men at arms: and the earls of Somerset,<sup>47</sup> Dorset, and Huntingdon were taken prisoners.<sup>48</sup> This was the first action that turned the tide of success against the English; and the dauphin, that he might both attach the Scotch to his service, and reward the valor and conduct of the earl of Buchan, honored that nobleman with the office of constable.

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<sup>45</sup> His name was John, and he was afterwards created duke of Somerset. He was grandson of John of Gaunt, duke of Lancaster. The earl of Dorset was brother to Somerset, and succeeded him in that title.

<sup>46</sup> St. Remi, chap. 110. Monstrelet, chap. 239. Hall, fol. 76.

But the arrival of the king of England with so considerable an army, was more than sufficient to repair this loss. Henry was received at Paris with great expressions of joy, so obstinate were the prejudices of the people; and he immediately conducted his army to Chartres, which had long been besieged by the dauphin. That prince raised the siege on the approach of the English; and being resolved to decline a battle, he retired with his army.<sup>49</sup> Henry made himself master of Dreux without a blow: he laid siege to Meaux, at the Solicitation of the Parisians, who were much incommoded by the garrison of that place. This enterprise employed the English arms during the space of eight months: the bastard of Vaurus, governor of Meaux, distinguished himself by an obstinate defence; but was at last obliged to surrender at discretion. The cruelty of this officer was equal to his bravery: he was accustomed to hang, without distinction, all the English and Burgundians who fell into his hands: and Henry, in revenge of his barbarity, ordered him immediately to be hanged on the same tree which he had made the instrument of his inhuman executions.<sup>50</sup>

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<sup>47</sup> St. Remi, chap. 3.

<sup>48</sup> Rymer, vol. x. p. 212 T. Livii, p. 92, 93. St. Remi, chap 116 Monstrelet, chap. 260.

This success was followed by the surrender of many other places in the neighborhood of Paris, which held for the dauphin: that prince was chased beyond the Loire, and he almost totally abandoned all the northern provinces: he was even pursued into the south by the united arms of the English and Burgundians, and threatened with total destruction. Notwithstanding the bravery and fidelity of his captains, he saw himself unequal to his enemies in the field; and found it necessary to temporize, and to avoid all hazardous actions with a rival who had gained so much the ascendant over him. And to crown all the other prosperities of Henry, his queen was delivered of a son, who was called by his father's name, and whose birth was celebrated by rejoicings no less pompous, and no less sincere, at Paris than at London. The infant prince seemed to be universally regarded as the future heir of both monarchies.

But the glory of Henry, when it had nearly reached the summit, was stopped short by the hand of nature; and all his mighty projects vanished into smoke. He was seized with a fistula, a malady which the surgeons at that time had not skill enough to cure; and he was at last sensible that his distemper was mortal, and that his end was approaching. He sent for his brother the duke of Bedford, the earl of Warwick, and a few noblemen more, whom he had honored with his friendship; and he delivered to them, in great tranquillity, his last will with regard to the government of his kingdom and family. He entreated them to continue towards his infant son the same fidelity and attachment which they had always professed to himself during his lifetime, and which had been cemented by so many mutual good offices. He expressed his indifference on the approach of death; and though he regretted that he must leave unfinished a work so happily begun, he declared himself confident that the final acquisition of France would be the effect of their prudence and valor. He left the regency of that kingdom to his elder brother, the duke of Bedford; that of England to his younger, the duke of Gloucester; and the care of his son's person to the earl of Warwick. He recommended to all of them a great attention to maintain the friendship of the duke of Burgundy; and advised them never to give liberty to the French princes taken at Azincour, till his son were of age, and could himself hold the reins of government. And he conjured them, if the success of their arms should not enable them to place young Henry on the throne of France, never at least to make peace with that kingdom, unless the enemy, by the cession of Normandy, and its annexation to the crown of England, made compensation for all the hazard and expense of his enterprise.<sup>51</sup>

He next applied himself to his devotions, and ordered his chaplain to recite the seven penitential psalms. When that passage of the fifty-first psalm was read, "build thou the walls of Jerusalem," he interrupted the chaplain, and declared his serious intention, after he should have fully subdued France, to conduct a crusade against the infidels, and recover possession of the Holy Land.<sup>52</sup> So ingenious are men in deceiving themselves, that Henry forgot, in those moments, all the blood spilt by his ambition; and received comfort from this late and feeble resolve, which, as the mode of these enterprises was now passed, he certainly would never

have carried into execution. He expired in the thirty-fourth year of his age and the tenth of his reign.

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<sup>49</sup> Monstrelet, chap. 265. Hall, fol. 80.

<sup>50</sup> St. Remi, chap. 118, Monstrelet, el ap. 265.

This prince possessed many eminent virtues; and if we give indulgence to ambition in a monarch, or rank it, as the vulgar are inclined to do, among his virtues, they were unstained by any considerable blemish. His abilities appeared equally in the cabinet and in the field: the boldness of his enterprises was no less remarkable than his personal valor in conducting them. He had the talent of attaching his friends by affability, and of gaining his enemies by address and clemency. The English, dazzled by the lustre of his character, still more than by that of his victories, were reconciled to the defects in his title: the French almost forgot that he was an enemy: and his care in maintaining justice in his civil administration, and preserving discipline in his armies, made some amends to both nations for the calamities inseparable from those wars in which his short reign was almost entirely occupied, That he could forgive the earl of Marche, who had a better title to the crown than himself, is a sure indication of his magnanimity; and that the earl relied so entirely on his friendship, is no less a proof of his established character for candor and sincerity. There remain in history few instances of such mutual trust; and still fewer where neither party found reason to repent it.

The exterior figure of this great prince, as well as his deportment, was engaging. His stature was somewhat above the middle size; his countenance beautiful; his limbs genteel and slender, but full of vigor; and he excelled in all warlike and manly exercises.<sup>53</sup> He left by his queen, Catharine of France, only one son, not full nine months old; whose misfortunes, in the course of his life, surpassed all the glories and successes of his father.

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<sup>51</sup> T. Livii, p. 4.

In less than two months after Henry's death, Charles VI. of France, his father-in-law, terminated his unhappy life. He had for several years possessed only the appearance of royal authority: yet was this mere appearance of considerable advantage to the English; and divided the duty and affections of the French between them and the dauphin. This prince was proclaimed and crowned king of France at Poitiers, by the name of Charles VII. Rheims, the place where this ceremony is usually performed, was at that time in the hands of his enemies.

Catharine of France, Henry's widow, married, soon after his death, a Welsh gentleman, Sir Owen Tudor, said to be descended from the ancient princes of that country: she bore him two sons, Edmund and Jasper, of whom the eldest was created earl of Richmond; the second earl of Pembroke. The family of Tudor, first raised to distinction by this alliance, mounted afterwards the throne of England.

The long schism, which had divided the Latin church for near forty years, was finally terminated in this reign by the council of Constance; which deposed the pope, John XXIII., for his crimes, and elected Martin V. in his place, who was acknowledged by almost all the kingdoms of Europe. This great and unusual act of authority in the council, gave the Roman pontiffs ever after a mortal antipathy to those assemblies. The same jealousy which had long prevailed in most European countries, between the civil aristocracy and monarchy, now also took place between these powers in the ecclesiastical body. But the great separation of the bishops in the several states, and the difficulty of assembling them, gave the pope a mighty advantage, and made it more easy for him to centre all the powers of the hierarchy in his own person. The cruelty and treachery which attended the punishment of John Huss and Jerome of Prague, the unhappy disciples of Wickliffe, who, in violation of a safe-conduct were burned alive for their errors by the council of Constance prove this melancholy truth, that toleration is none of the virtues of priests in any form of ecclesiastical government. But as the English nation had little or no concern in these great transactions, we are here the more concise in relating them.

The first commission of array which we meet with, was issued in this reign.<sup>54</sup> The military part of the feudal system, which was the most

essential circumstance of it, was entirely dissolved, and could no longer serve for the defence of the kingdom. Henry, therefore, when he went to France, in 1415, empowered certain commissioners to take in each county a review of all the freemen able to bear arms, to divide them into companies, and to keep them in readiness for resisting an enemy. This was the era when the feudal militia in England gave place to one which was perhaps still less orderly and regular.

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<sup>52</sup> Rymer, vol, ix. p. 254, 255.

We have an authentic and exact account of the ordinary revenue of the crown during this reign; and it amounts only to fifty-five thousand seven hundred and fourteen pounds ten shillings and tenpence a year.<sup>55</sup> This is nearly the same with the revenue of Henry III.; and the kings of England had neither become much richer nor poorer in the course of so many years. The ordinary expense of the government amounted to forty-two thousand five hundred and seven pounds sixteen shillings and tenpence; so that the king had a surplus only of thirteen thousand two hundred and six pounds fourteen shillings for the support of his household; for his wardrobe; for the expense of embassies; and other articles. This sum was nowise sufficient: he was therefore obliged to have frequent recourse to parliamentary supplies, and was thus, even in time of peace, not altogether independent of his people. But wars were attended with a great expense, which neither the prince's ordinary revenue, nor the extraordinary supplies, were able to bear; and the sovereign was always reduced to many miserable shifts, in order to make any tolerable figure in them. He commonly borrowed money from all quarters; he pawned his jewels, and sometimes the crown itself;<sup>56</sup> he ran in arrears to his army; and he was often obliged, notwithstanding all these expedients, to stop in the midst of his career of victory, and to grant truces to the enemy. The high pay which was given to soldiers agreed very ill with this low income. All the extraordinary supplies, granted by parliament to Henry during the course of his reign, were only seven tenths and fifteenths, about two hundred and three thousand pounds.<sup>57</sup> It is easy to compute how soon this money must be exhausted by armies of twenty-four thousand archers and six thousand



horse; when each archer had sixpence a day,<sup>58</sup> and each horseman two shillings. The most splendid successes proved commonly fruitless when supported by so poor a revenue; and the debts and difficulties which the king thereby incurred, made him pay dear for his victories. The civil administration, likewise, even in time of peace, could never be very regular, where the government was so ill enabled to support itself.

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<sup>53</sup> Rymer, vol. x. p. 113.

<sup>54</sup> Rymer, vol. x. p. 190.

<sup>55</sup> Parliamentary History, vol. ii. p. 168.

<sup>56</sup> It appears from many passages of Rymer, particularly vol. ix p. 258, that the king paid twenty marks a year for an archer, which is a good deal above sixpence a day. The price had risen, as it is natural, by raising the denomination of money.

Henry, till within a year of his death, owed debts which he had contracted when prince of Wales.<sup>59</sup> It was in vain that the parliament pretended to restrain him from arbitrary practices, when he was reduced to such necessities. Though the right of levying purveyance for instance, had been expressly guarded against by the Great Charter itself, and was frequently complained of by the commons, it was found absolutely impracticable to abolish it; and the parliament at length, submitting to it as a legal prerogative, contented themselves with enacting laws to limit and confine it. The duke of Gloucester, in the reign of Richard II., possessed a revenue of sixty thousand crowns, (about thirty thousand pounds a year of our present money,) as we learn from Froissard,<sup>60</sup> and was consequently richer than the king himself, if all circumstances be duly considered.

It is remarkable, that the city of Calais alone was an annual expense to the crown of nineteen thousand one hundred and nineteen pounds;<sup>61</sup> that is, above a third of the common charge of the government in time of peace. This fortress was of no use to the defence of England, and only gave that kingdom an inlet to annoy France. Ireland cost two thousand pounds a year, over and above its own revenue; which was certainly very low. Every

thing conspires to give us a very mean idea of the state of Europe in those ages.

From the most early times till the reign of Edward III., the denomination of money had never been altered; a pound sterling was still a pound troy; that is, about three pounds of our present money. That conqueror was the first that innovated in this important article. In the twentieth of his reign, he coined twenty-two shillings from a pound troy; in his twenty-seventh year, he coined twenty-five shillings. But Henry V., who was also a conqueror, raised still farther the denomination, and counted thirty shillings from a pound troy:<sup>62</sup> his revenue therefore must have been about one hundred and ten thousand pounds of our present money; and by the cheapness of provisions, was equivalent to above three hundred and thirty thousand pounds.

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<sup>57</sup> Rymer, vol. x. p. 114.

<sup>58</sup> Liv. iv. chap. 86.

<sup>59</sup> Rymer, vol. x. p. 113.

<sup>60</sup> Fleetwood's Chronicon Preciosum, p. 52

None of the princes of the house of Lancaster ventured to impose taxes without consent of parliament: their doubtful or bad title became so far of advantage to the constitution. The rule was then fixed, and could not safely be broken afterwards, even by more absolute princes.



## CHAPTER 20.

### HENRY VI.

#### CONTEMPORARY MONARCHS.

During the reigns of the Lancastrian princes, the authority of <sup>1422.</sup>parliament seems to have been more confirmed, and the privileges of the people more regarded, than during any former period; and the two preceding kings, though men of great spirit and abilities, abstained from such exertions of prerogative, as even weak princes, whose title was undisputed, were tempted to think they might venture upon with impunity. The long minority, of which there was now the prospect, encouraged still further the lords and commons to extend their influence; and without paying much regard to the verbal destination of Henry V., they assumed the power of giving a new arrangement to the whole administration. They declined altogether the name of “Regent” with regard to England: they appointed the duke of Bedford “protector” or “guardian” of that kingdom, a title which they supposed to imply less authority: they invested the duke of Gloucester with the same dignity during the absence of his elder brother;<sup>1</sup> and in order to limit the power of both these princes, they appointed a council, without whose advice and approbation no measure of importance could be determined.<sup>2</sup> The person and education of the infant prince were committed to Henry Beaufort, bishop of Winchester, his great uncle, and the legitimated son of John of Gaunt, duke of Lancaster; a prelate who, as his family could never have any pretensions to the crown, might safely, they thought, be intrusted with that important charge.<sup>3</sup>

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<sup>1</sup> Rymer, vol. x. p. 261. Cotton, p. 564.

<sup>2</sup> Cotton, p. 564.

<sup>3</sup> Hall, fol. 83. Monstrelet, vol. ii. p. 27.

The two princes, the dukes of Bedford and Gloucester, who seemed injured by this plan of government, yet, being persons of great integrity and honor, acquiesced in any appointment which tended to give security to the public; and as the wars in France appeared to be the object of greatest moment, they avoided every dispute which might throw an obstacle in the way of foreign conquests.

When the state of affairs between the English and French kings was considered with a superficial eye, every advantage seemed to be on the side of the former; and the total expulsion of Charles appeared to be an event which might naturally be expected from the superior power of his competitor. Though Henry was yet in his infancy, the administration was devolved on the duke of Bedford, the most accomplished prince of his age; whose experience, prudence, valor, and generosity qualified him for his high office, and enabled him both to maintain union among his friends, and to gain the confidence of his enemies. The whole power of England was at his command; he was at the head of armies inured to victory; he was seconded by the most renowned generals of the age, the earls of Somerset, Warwick, Salisbury, Suffolk, and Arundel, Sir John Talbot, and Sir John Fastolffe: and besides Guienne, the ancient inheritance of England, he was master of the capital, and of almost all the northern provinces, which were well enabled to furnish him with supplies both of men and money, and to assist and support his English forces.

But Charles, notwithstanding the present inferiority of his power, possessed some advantages, derived partly from his situation, partly from his personal character, which promised him success, and served, first to control, then to overbalance, the superior force and opulence of his enemies. He was the true and undoubted heir of the monarchy: all Frenchmen, who knew the interests, or desired the independence, of their country, turned their eyes towards him as its sole resource; the exclusion given him by the imbecility of his father, and the forced or precipitate consent of the states, had plainly no validity: that spirit of faction which had blinded the people, could not long hold them in so gross a delusion: their national and inveterate hatred against the English, the authors of all their calamities, must soon revive, and inspire them with indignation at bending their necks under the yoke of that hostile people: great nobles and

princes, accustomed to maintain an independence against their native sovereigns, would never endure a subjection to strangers; and though most of the princes of the blood were, since the fatal battle of Azincour detained prisoners in England, the inhabitants of their *de mesnes*, their friends their vassals, all declared a zealous attachment to the king and exerted themselves in resisting the violence of foreign invaders.

Charles himself, though only in his twentieth year, was of a character well calculated to become the object of these benevolent sentiments; and perhaps from the favor which naturally attends youth, was the more likely, on account of his tender age, to acquire the good-will of his native subjects. He was a prince of the most friendly and benign disposition, of easy and familiar manners, and of a just and sound, though not a very vigorous understanding. Sincere, generous, affable, he engaged from affection the services of his followers, even while his low fortunes might make it their interest to desert him; and the lenity of his temper could pardon in them those sallies of discontent, to which princes in his situation are so frequently exposed. The love of pleasure often seduced him into indolence; but amidst all his irregularities, the goodness of his heart still shone forth; and by exerting at intervals his courage and activity, he proved that his general remissness proceeded not from the want either of a just spirit of ambition, or of personal valor.

Though the virtues of this amiable prince lay some time in obscurity, the duke of Bedford knew that his title alone made him formidable, and that every foreign assistance would be requisite, ere an English regent could hope to complete the conquest of France; an enterprise which, however it might seem to be much advanced, was still exposed to many and great difficulties. The chief circumstance which had procured to the English all their present advantages, was the resentment of the duke of Burgundy against Charles; and as that prince seemed intent rather on gratifying his passion than consulting his interests, it was the more easy for the regent, by demonstrations of respect and confidence, to retain him in the alliance of England. He bent, therefore, all his endeavors to that purpose: he gave the duke every proof of friendship and regard: he even offered him the regency of France, which Philip declined: and that he might corroborate national connections by private ties, he concluded his

own marriage with the princess of Burgundy, which had been stipulated by the treaty of Arras.

Being sensible that, next to the alliance of Burgundy, the friendship of <sup>1423</sup>. the duke of Brittany was of the greatest importance towards forwarding the English conquests; and that, as the provinces of France, already subdued, lay between the dominions of these two princes, he could never hope for any security without preserving his connections with them; he was very intent on strengthening himself also from that quarter. The duke of Brittany, having received many just reasons of displeasure from the ministers of Charles, had already acceded to the treaty of Troye, and had, with other vassals of the crown, done homage to Henry V. in quality of heir to the kingdom: but as the regent knew that the duke was much governed by his brother, the count of Richemont, he endeavored to fix his friendship, by paying court and doing services to this haughty and ambitious prince.

Arthur, count of Richemont, had been taken prisoner at the battle of Azincour, had been treated with great indulgence by the late king, and had even been permitted on his parole to take a journey into Brittany, where the state of affairs required his presence. The death of that victorious monarch happened before Richemont's return; and this prince pretended that, as his word was given personally to Henry V., he was not bound to fulfil it towards his son and successor; a chicane which the regent, as he could not force him to compliance, deemed it prudent to overlook. An interview was settled at Amiens between the dukes of Bedford, Burgundy, and Brittany, at which the count of Richemont was also present:<sup>4</sup> the alliance was renewed between these princes: and the regent persuaded Philip to give in marriage to Richemont his eldest sister, widow of the deceased dauphin, Lewis, the elder brother of Charles. Thus Arthur was connected both with the regent and the duke of Burgundy, and seemed engaged by interest to prosecute the same object, in forwarding the success of the English arms.

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<sup>4</sup> Hall. fol. 84. Monstrelet, vol. i. p 4. Stowe, p. 364.

While the vigilance of the duke of Bedford was employed in gaining or confirming these allies, whose vicinity rendered them so important, he did not overlook the state of more remote countries. The duke of Albany, regent of Scotland, had died: and his power had devolved on Murdac, his son, a prince of a weak understanding and indolent disposition; who, far from possessing the talents requisite for the government of that fierce people, was not even able to maintain authority in his own family, or restrain the petulance and insolence of his sons. The ardor of the Scots to serve in France, where Charles treated them with great honor and distinction, and where the regent's brother enjoyed the dignity of constable, broke out afresh under this feeble administration: new succors daily came over, and filled the armies of the French king: the earl of Douglas conducted a reënforcement of five thousand men to his assistance: and it was justly to be dreaded that the Scots, by commencing open hostilities in the north, would occasion a diversion still more considerable of the English power, and would ease Charles, in part, of that load by which he was at present so grievously oppressed. The duke of Bedford, therefore, persuaded the English council to form an alliance with James, their prisoner; to free that prince from his long captivity; and to connect him with England by marrying him to a daughter of the earl of Somerset, and cousin of the young king.<sup>5</sup> As the Scottish regent, tired of his present dignity, which he was not able to support, was now become entirely sincere in his applications for James's liberty, the treaty was soon concluded; a ransom of forty thousand pounds was stipulated;<sup>6</sup> and the king of Scots was restored to the throne of his ancestors, and proved, in his short reign, one of the most illustrious princes that had ever governed that kingdom. He was murdered, in 1437, by his traitorous kinsman the earl of Athole. His affections inclined to the side of France; but the English had never reason during his lifetime to complain of any breach of the neutrality by Scotland.

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<sup>5</sup> Hall, fol. 86. Stowe, p. 364. Grafton, p. 501.

<sup>6</sup> Rymer, vol. x. p. 299, 300, 326.

But the regent was not so much employed in these political negotiations as to neglect the operations of war, from which alone he could hope to succeed in expelling the French monarch. Though the chief seat of Charles's power lay in the southern provinces beyond the Loire, his partisans were possessed of some fortresses in the northern, and even in the neighborhood of Paris; and it behoved the duke of Bedford first to clear these countries from the enemy, before he could think of attempting more distant conquests. The Castle of Dorsoy was taken after a siege of six weeks: that of Noyelle and the town of Rue, in Picardy, underwent the same fate: Pont sur Seine, Vertus, Montaignu, were subjected by the English arms: and a more considerable advantage was soon after gained by the united forces of England and Burgundy. John Stuart, constable of Scotland, and the lord of Estissac had formed the siege of Crevant, in Burgundy: the earls of Salisbury and Suffolk, with the count of Toulougeon, were sent to its relief: a fierce and well-disputed action ensued; the Scots and French were defeated: the constable of Scotland and the count of Ventadour were taken prisoners; and above a thousand men, among whom was Sir William Hamilton, were left on the field of battle.<sup>7</sup> The taking of Gaillon upon the Seine, and of La Charité upon the Loire, was the fruit of this victory: and as this latter place opened an entrance into the southern provinces, the acquisition of it appeared on that account of the greater importance to the duke of Bedford, and seemed to promise a successful issue to the war.

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<sup>7</sup> Hall, fol. 86. Monstrelet, vol. ii. p. 8. Holingshed, p. 586., Grafton, p. 500.

The more Charles was threatened with an invasion in those <sup>1424</sup> provinces which adhered to him, the more necessary it became that he should retain possession of every fortress which he still held within the quarters of the enemy. The duke of Bedford had besieged in person, during the space of three months, the town of Yvri, in Normandy: and the brave governor, unable to make any longer defence, was obliged to capitulate; and he agreed to surrender the town, if, before a certain term, no relief arrived. Charles, informed of these conditions, determined to make an attempt for saving the place. He collected, with some difficulty, an army of



fourteen thousand men, of whom one half were Scots; and he sent them thither under the command of the earl of Buchan, constable of France; who was attended by the earl of Douglas, his countryman, the duke of Alençon, the mareschal de la Fayette, the count of Aumale, and the viscount of Narbonne. When the constable arrived within a few leagues of Yvri, he found that he was come too late, and that the place was already surrendered. He immediately turned to the left, and sat down before Verneuil, which the inhabitants, in spite of the garrison, delivered up to him.<sup>8</sup> Buchan might now have returned in safety, and with the glory of making an acquisition no less important than the place which he was sent to relieve: but hearing of Bedford's approach, he called a council of war, in order to deliberate concerning the conduct which he should hold in this emergence.

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<sup>8</sup> Monstrelet, vol. ii. p. 14. Grafton, p. 504.

The wiser part of the council declared for a retreat; and represented, that all the past misfortunes of the French had proceeded from their rashness in giving battle when no necessity obliged them; that this army was the last resource of the king, and the only defence of the few provinces which remained to him; and that every reason invited him to embrace cautious measures, which might leave time for his subjects to return to a sense of their duty, and give leisure for discord to arise among his enemies, who, being united by no common bond of interest or motive of alliance, could not long persevere in their animosity against him. All these prudential considerations were overborne by a vain point of honor, not to turn their backs to the enemy; and they resolved to await the arrival of the duke of Bedford.

The numbers were nearly equal in this action; and as the long continuance of war had introduced discipline, which, however imperfect, sufficed to maintain some appearance of order in such small armies, the battle was fierce, and well disputed, and attended with bloodshed on both sides. The constable drew up his forces under the walls of Verneuil, and resolved to abide the attack of the enemy: but the impatience of the viscount of Narbonne, who advanced precipitately, and obliged the whole

line to follow him in some hurry and confusion, was the cause of the misfortune which ensued. The English archers, fixing their palisades before them, according to their usual custom, sent a volley of arrows amidst the thickest of the French army; and though beaten from their ground, and obliged to take shelter among the baggage, they soon rallied, and continued to do great execution upon the enemy. The duke of Bedford, meanwhile, at the head of the men at arms, made impression on the French, broke their ranks, chased them off the field, and rendered the victory entirely complete and decisive.<sup>9</sup>

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<sup>9</sup> Hall, fol. 83, 89, 90. Monstrelet, vol. ii. p. 15. Stowe, p 365., Holingshed, p. 588.

The constable himself perished in battle as well as the earl of Douglas and his son, the counts of Aumale, Tonnerre, and Ventadour, with many other considerable nobility. The duke of Alençon, the mareschal de la Fayette, the lords of Gaucour and Mortemar, were taken prisoners. There fell about four thousand of the French, and sixteen hundred of the English; a loss esteemed, at that time, so unusual on the side of the victors, that the duke of Bedford forbade all rejoicings for his success, Verneuil was surrendered next day by capitulation.<sup>10</sup>

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<sup>10</sup> Monstrelet. vol. ii. p. 15.

The condition of the king of France now appeared very terrible, and almost desperate. He had lost the flower of his army and the bravest of his nobles in this fatal action: he had no resource either for recruiting or subsisting his troops; he wanted money even for his personal subsistence; and though all parade of a court was banished, it was with difficulty he could keep a table, supplied with the plainest necessaries, for himself and his few followers: every day brought him intelligence of some loss or misfortune: towns which were bravely defended, were obliged at last to surrender for want of relief or supply: he saw his partisans entirely chased from all the provinces which lay north of the Loire: and he expected soon to lose, by

the united efforts of his enemies, all the territories of which he had hitherto continued master; when an incident happened which saved him on the brink of ruin, and lost the English such an opportunity for completing their conquests, as they never afterwards were able to recall.

Jacqueline, countess of Hainault and Holland, and heir of these provinces, had espoused John, duke of Brabant cousin-german to the duke of Burgundy; but having made this choice from the usual motives of princes, she soon found reason to repent of the unequal alliance. She was a princess of a masculine spirit and uncommon understanding: the duke of Brabant was of a sickly complexion and weak mind: she was in the vigor of her age; he had only reached his fifteenth year: these causes had inspired her with such contempt for her husband, which soon proceeded to antipathy that she determined to dissolve a marriage, where, it is probable, nothing but the ceremony had as yet intervened. The court of Rome was commonly very open to applications of this nature, when seconded by power and money; but as the princess foresaw great opposition from her husband's relations, and was impatient to effect her purpose, she made her escape into England, and threw herself under the protection of the duke of Gloucester. That prince, with many noble qualities had the defect of being governed by an impetuous temper and vehement passions; and he was rashly induced, as well by the charms of the countess herself, as by the prospect of possessing her rich inheritance, to offer himself to her as a husband. Without waiting for a papal dispensation; without endeavoring to reconcile the duke of Burgundy to the measure; he entered into a contract of marriage with Jaqueline, and immediately attempted to put himself in possession of her dominions. Philip was disgusted with so precipitate a conduct: he resented the injury done to the duke of Brabant, his near relation: he dreaded to have the English established on all sides of him: and he foresaw the consequences which must attend the extensive and uncontrolled dominion of that nation, if, before the full settlement of their power, they insulted and injured an ally to whom they had already been so much indebted, and who was still so necessary for supporting them in their further progress. He encouraged, therefore, the duke of Brabant to make resistance: he engaged many of Jaqueline's subjects to adhere to that prince: he himself marched troops to his support: and as the duke of Gloucester still persevered in his purpose, a sharp war was suddenly

kindled in the Low Countries. The quarrel soon became personal as well as political. The English prince wrote to the duke of Burgundy, complaining of the opposition made to his pretensions; and though, in the main, he employed amicable terms in his letter, he took notice of some falsehoods into which, he said, Philip had been betrayed during the course of these transactions. This unguarded expression was highly resented: the duke of Burgundy insisted that he should retract it; and mutual challenges and defiances passed between them on this occasion.<sup>11</sup>

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<sup>11</sup> Monstrelet, vol. ii. p. 19, 20, 21.

The duke of Bedford could easily foresee the bad effects of so ill-timed and imprudent a quarrel. All the succors which he expected from England, and which were so necessary in this critical emergence, were intercepted by his brother, and employed in Holland and Hainault: the forces of the duke of Burgundy, which he also depended on, were diverted by the same wars: and besides this double loss, he was in imminent danger of alienating forever that confederate whose friendship was of the utmost importance, and whom the late king had enjoined him, with his dying breath, to gratify by every mark of regard and attachment. He represented all these topics to the duke of Gloucester: he endeavored to mitigate the resentment of the duke of Burgundy: he interposed with his good offices between these princes, but was not successful in any of his endeavors; and he found that the impetuosity of his brother's temper was still the chief obstacle to all accommodation.<sup>12</sup> For this reason, instead of pushing the victory gained at Verneuil, he found himself obliged to take a journey into England, and to try, by his counsels and authority, to moderate the measures of the duke of Gloucester.

There had likewise broken out some differences among the English ministry, which had proceeded to great extremities, and which required the regent's presence to compose them.<sup>13</sup> The bishop of Winchester, to whom the care of the king's person and education had been intrusted, was a prelate of great capacity and experience, but of an intriguing and dangerous character; and as he aspired to the government of affairs, he had continual disputes with his nephew the protector; and he gained

frequent advantages over the vehement and impolitic temper of that prince.

The duke of Bedford employed the authority of parliament to reconcile <sup>1425</sup> them; and these rivals were obliged to promise, before that assembly, that they would bury all quarrels in oblivion.<sup>14</sup> Time also seemed to open expedients for composing the difference with the duke of Burgundy. The credit of that prince had procured a bull from the pope; by which not only Jaqueline's contract with the duke of Gloucester was annulled, but it was also declared that, even in case of the duke of Brabant's death, it should never be lawful for her to espouse the English prince. Humphrey, despairing of success, married another lady of inferior rank, who had lived some time with him as his mistress.<sup>15</sup>

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<sup>12</sup> Monstrelet, vol. ii. p. 18.

<sup>13</sup> Stowe, p. 368. Holingshed, p. 530.

<sup>14</sup> Hall, fol. 98, 99. Hollingshed, p. 593, 594. Polydore Virgil, p. 466. Grafton, p. 512, 519.

<sup>15</sup> Stowe, p 367.

The duke of Brabant died; and his widow, before she could recover possession of her dominions, was obliged to declare the duke of Burgundy her heir, in case she should die without issue, and to promise never to marry without his consent. But though the affair was thus terminated to the satisfaction of Philip, it left a disagreeable impression on his mind: it excited an extreme jealousy of the English, and opened his eyes to his true interests: and as nothing but his animosity against Charles had engaged him in alliance with them, it counterbalanced that passion by another of the same kind, which in the end became prevalent, and brought him back, by degrees, to his natural connections with his family and his native country.

About the same time, the duke of Brittany began to withdraw himself from the English alliance. His brother, the count of Richemont, though connected by marriage with the dukes of Burgundy and Bedford, was extremely attached by inclination to the French interest; and he willingly

hearkened to all the advances which Charles made him for obtaining his friendship. The staff of constable, vacant by the earl of Buchan's death, was offered him; and as his martial and ambitious temper aspired to the command of armies, which he had in vain attempted to obtain from the duke of Bedford, he not only accepted that office, but brought over his brother to an alliance with the French monarch. The new constable, having made this one change in his measures, firmly adhered ever after to his engagements with France. Though his pride and violence, which would admit of no rival in his master's confidence, and even prompted him to assassinate the other favorites, had so much disgusted Charles, that he once banished him the court, and refused to admit him to his presence, he still acted with vigor for the service of that monarch, and obtained at last, by his perseverance, the pardon of all past offences.

In this situation, the duke of Bedford, on his return, found the affairs of <sup>1426</sup>. France, after passing eight months in England. The duke of Burgundy was much disgusted. The duke of Brittany had entered into engagements with Charles, and had done homage to that prince for his duchy. The French had been allowed to recover from the astonishment into which their frequent disasters had thrown them. An incident too had happened, which served extremely to raise their courage. The earl of Warwick had besieged Montargis with a small army of three thousand men, and the place was reduced to extremity, when the bastard of Orleans undertook to throw relief into it. This general, who was natural son to the prince assassinated by the duke of Burgundy, and who was afterwards created count of Dunois, conducted a body of one thousand six hundred men to Montargis, and made an attack on the enemy's trenches with so much valor, prudence, and good fortune, that he not only penetrated into the place, but gave a severe blow to the English, and obliged Warwick to raise the siege.<sup>16</sup>..... This was the first signal action that raised the fame of Dunois, and opened him the road to those great honors which he afterwards attained.

But the regent, soon after his arrival, revived the reputation of the English arms by an important enterprise which he happily achieved. He secretly brought together, in separate detachments, a considerable army to the frontiers of Brittany; and fell so unexpectedly upon that province, that the duke, unable to make resistance, yielded to all the terms required of

him. he renounced the French alliance; he engaged to maintain the treaty of Troye; he acknowledged the duke of Bedford for regent of France; and promised to do homage for his duchy to King Henry.<sup>17</sup> And the English prince, having thus freed himself from a dangerous enemy who lay behind him, resolved on an undertaking, which, if successful, would, he hoped, cast the balance between the two nations, and prepare the way for the final conquest of France.

The city of Orleans was so situated between the provinces commanded <sup>1428</sup> by Henry, and those possessed by Charles, that it opened an easy entrance to either; and as the duke of Bedford intended to make a great effort for penetrating into the south of France, it behoved him to begin with this place, which, in the present circumstances, was become the most important in the kingdom. He committed the conduct of the enterprise to the earl of Salisbury, who had newly brought him a reënforcement of six thousand men from England, and who had much distinguished himself by his abilities during the course of the present war. Salisbury, passing the Loire, made himself master of several small places, which surrounded Orleans on that side;<sup>18</sup> and as his intentions were thereby known, the French king used every expedient to supply the city with a garrison and provisions, and enable it to maintain a long and obstinate siege.

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<sup>16</sup> Monstrelet, vol. ii. p. 32, 33. Holingshed, p. 597.

<sup>17</sup> Monstrelet, vol. ii. p. 35, 36.

<sup>18</sup> Monstrelet, vol. ii. p. 38, 39. Polyd. Virg. p. 468.

The lord of Gaucour, a brave and experienced captain, was appointed governor: many officers of distinction threw themselves into the place: the troops which they conducted were inured to war, and were determined to make the most obstinate resistance: and even the inhabitants, disciplined by the long continuance of hostilities, were well qualified, in their own defence, to second the efforts of the most veteran forces. The eyes of all Europe were turned towards this scene; where, it was reasonably supposed, the French were to make their last stand for maintaining the independence of their monarchy, and the rights of their sovereign.

The earl of Salisbury at last approached the place with an army, which consisted only of ten thousand men; and not being able, with so small a force, to invest so great a city, that commanded a bridge over the Loire, he stationed himself on the southern side towards Sologne, leaving the other, towards the Beausse, still open to the enemy. He there attacked the fortifications which guarded the entrance to the bridge; and, after an obstinate resistance, he carried several of them; but was himself killed by a cannon ball as he was taking a view of the enemy.<sup>19</sup>

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<sup>19</sup> Hall, fol. 105. Monstrelet, vol. ii. p. 39., Stowe, p. 369. Hoingshed, p. 599. Grafton, p. 531.

The earl of Suffolk succeeded to the command; and being reënforced with great numbers of English and Burgundians, he passed the river with the main body of his army, and invested Orleans on the other side. As it was now the depth of winter, Suffolk, who found it difficult, in that season, to throw up intrenchments all around, contented himself, for the present, with erecting redoubts at different distances, where his men were lodged in safety, and were ready to intercept the supplies which the enemy might attempt to throw into the place. Though he had several pieces of artillery in his camp, (and this is among the first sieges in Europe where cannon were found to be of importance,) the art of engineering was hitherto so imperfect, that Suffolk trusted more to famine than to force for subduing the city; and he purposed in the spring to render the circumvallation more complete, by drawing intrenchments from one redoubt to another. Numberless feats of valor were performed both by the besiegers and besieged during the winter: bold sallies were made, and repulsed with equal boldness: convoys were sometimes introduced, and often intercepted: the supplies were still unequal to the consumption of the place: and the English seemed daily, though slowly, to be advancing towards the completion of their enterprise.

But while Suffolk lay in this situation, the French parties ravaged all the <sup>1429</sup> country around; and the besiegers, who were obliged to draw their provisions from a distance were themselves exposed to the danger of want and famine. Sir John Fastolffe was bringing up a large convoy of even kind



of stores, which he escorted with a detachment of two thousand five hundred men; when he was attacked by a body of four thousand French, under the command of the counts of Clermont and Dunois. Fastolffe drew up his troops behind the wagons; but the French generals, afraid of attacking him in that posture, planted a battery of cannon against him; which threw every thing into confusion, and would have insured them the victory, had not the impatience of some Scottish troops, who broke the line of battle, brought on an engagement, in which Fastolffe was victorious. The count of Dunois was wounded; and about five hundred French were left on the field of battle. This action, which was of great importance in the present conjuncture, was commonly called the battle of Herrings; because the convoy brought a great quantity of that kind of provisions, for the use of the English army during the Lent season.<sup>20</sup>

Charles seemed now to have but one expedient for saving this city, which had been so long invested. The duke of Orleans, who was still prisoner in England, prevailed on the protector and the council to consent that all his demesnes should be allowed to preserve a neutrality during the war, and should be sequestered, for greater security, into the hands of the duke of Burgundy. This prince, who was much less cordial in the English interests than formerly, went to Paris, and made the proposal to the duke of Bedford; but the regent coldly replied, that he was not of a humor to beat the bushes while others ran away with the game; an answer which so disgusted the duke, that he recalled all the troops of Burgundy that acted in the siege.<sup>21</sup>

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<sup>20</sup> Hall, fol. 100. Monstrelet, vol. ii. p. 41, 42. Stowe, p. 369. Holingshed, p. 600. Polyd. Virg. p. 469. Grafton, p. 532.

<sup>21</sup> Hall, fol. 106. Monstrelet, vol. ii. p. 42. Stowe, p. 369. Grafton, p. 533

This place, however, was every day more and more closely invested by the English: great scarcity began already to be felt by the garrison and inhabitants: Charles, in despair of collecting an army which should dare to approach the enemy's intrenchments, not only gave the city for lost, but began to entertain a very dismal prospect with regard to the general state

of his affairs. He saw that the country in which he had hitherto with great difficulty subsisted, would be laid entirely open to the invasion of a powerful and victorious enemy; and he already entertained thoughts of retiring with the remains of his forces into Languedoc and Dauphiny, and defending himself as long as possible in those remote provinces. But it was fortunate for this good prince that, as he lay under the dominion of the fair, the women whom he consulted had the spirit to support his sinking resolution in this desperate extremity. Mary of Anjou, his queen, a princess of great merit and prudence, vehemently opposed this measure, which, she foresaw, would discourage all his partisans, and serve as a general signal for deserting a prince who seemed himself to despair of success. His mistress too, the fair Agnes Sorel, who lived in entire amity with the queen, seconded all her remonstrances, and threatened that, if he thus pusillanimously threw away the sceptre of France, she would seek in the court of England a fortune more correspondent to her wishes. Love was able to rouse in the breast of Charles that courage which ambition had failed to excite: he resolved to dispute every inch of ground with an imperious enemy, and rather to perish with honor in the midst of his friends, than yield ingloriously to his bad fortune; when relief was unexpectedly brought him by another female of a very different character, who gave rise to one of the most singular revolutions that is to be met with in history.

In the village of Domremi, near Vaucouleurs, on the borders of Lorraine, there lived a country girl of twenty-seven years of age, called Joan d'Arc, who was servant in a small inn, and who in that station had been accustomed to tend the horses of the guests, to ride them without a saddle to the watering-place, and to perform other offices which, in well frequented inns, commonly fall to the share of the men servants.<sup>22</sup>

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<sup>22</sup> Hall, fol. 107. Monstrelet, vol. ii. p. 42. Grafton, p. 534.

This girl was of an irreproachable life, and had not hitherto been remarked for any singularity; whether that she had met with no occasion to excite her genius, or that the unskilful eyes of those who conversed with her had not been able to discern her uncommon merit. It is easy to imagine, that

the present situation of France was an interesting object even to persons of the lowest rank, and would become the frequent subject of conversation: a young prince, expelled his throne by the sedition of native subjects, and by the arms of strangers, could not fail to move the compassion of all his people whose hearts were uncorrupted by faction; and the peculiar character of Charles, so strongly inclined to friendship and the tender passions, naturally rendered him the hero of that sex whose generous minds know no bounds in their affections. The siege of Orleans, the progress of the English before that place, the great distress of the garrison and inhabitants, the importance of saving this city and its brave defenders, had turned thither the public eye; and Joan, inflamed by the general sentiment, was seized with a wild desire of bringing relief to her sovereign in his present distresses. Her unexperienced mind, working day and night on this favorite object, mistook the impulses of passion for heavenly inspirations; and she fancied that she saw visions, and heard voices, exhorting her to reëstablish the throne of France, and to expel the foreign invaders. An uncommon intrepidity of temper made her overlook all the dangers which might attend her in such a path; and thinking herself destined by Heaven to this office, she threw aside all that bashfulness and timidity so natural to her sex, her years, and her low station. She went to Vaucouleurs; procured admission to Baudricourt, the governor; informed him of her inspirations and intentions; and conjured him not to neglect the voice of God, who spoke through her, but to second those heavenly revelations which impelled her to this glorious enterprise. Baudricourt treated her at first with some neglect; but on her frequent returns to him, and importunate solicitations, he began to remark something extraordinary in the maid, and was inclined, at all hazards, to make so easy an experiment. It is uncertain whether this gentleman had discernment enough to perceive, that great use might be made with the vulgar of so uncommon an engine; or, what is more likely in that credulous age, was himself a convert to this visionary; but he adopted at last the schemes of Joan; and he gave her some attendants, who conducted her to the French court, which at that time resided at Chinon.

It is the business of history to distinguish between the miraculous and the marvellous; to reject the first in all narrations merely profane and human; to doubt the second; and when obliged by unquestionable

testimony, as in the present case, to admit of something extraordinary, to receive as little of it as is consistent with the known facts and circumstances. It is pretended, that Joan, immediately on her admission, knew the king, though she had never seen his face before, and though he purposely kept himself in the crowd of courtiers, and had laid aside every thing in his dress and apparel which might distinguish him: that she offered him, in the name of the supreme Creator, to raise the siege of Orleans, and conduct him to Rheims to be there crowned and anointed; and on his expressing doubts of her mission, revealed to him, before some sworn confidants, a secret which was unknown to all the world beside himself, and which nothing but a heavenly inspiration could have discovered to her: and that she demanded, as the instrument of her future victories, a particular sword, which was kept in the church of St. Catharine of Fierbois, and which, though she had never seen it, she described by all its marks, and by the place in which it had long lain neglected.<sup>23</sup> This is certain, that all these miraculous stories were spread abroad, in order to captivate the vulgar. The more the king and his ministers were determined to give into the illusion, the more scruples they pretended. An assembly of grave doctors and theologians cautiously examined Joan's mission, and pronounced it undoubted and supernatural. She was sent to the parliament, then residing at Poitiers; and was interrogated before that assembly: the presidents, the counsellors, who came persuaded of her imposture, went away convinced of her inspiration. A ray of hope began to break through that despair in which the minds of all men were before enveloped. Heaven had now declared itself in favor of France, and had laid bare its outstretched arm to take vengeance on her invaders. Few could distinguish between the impulse of inclination and the force of conviction; and none would submit to the trouble of so disagreeable a scrutiny.

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<sup>23</sup> Hall, fol. 107. Holingshed, p. 600.

After these artificial precautions and preparations had been for some time employed, Joan's requests were at last complied with: she was armed cap-à-pie, mounted on horseback, and shown in that martial habiliment before the whole people. Her dexterity in managing her steed, though acquired in

her former occupation, was regarded as a fresh proof of her mission; and she was received with the loudest acclamations by the spectators. Her former occupation was even denied: she was no longer the servant of an inn. She was converted into a shepherdess, an employment much more agreeable to the imagination. To render her still more interesting, near ten years were subtracted from her age; and all the sentiments of love and of chivalry were thus united to those of enthusiasm, in order to inflame the fond fancy of the people with prepossessions in her favor.

When the engine was thus dressed up in full splendor, it was determined to essay its force against the enemy. Joan was sent to Blois, where a large convoy was prepared for the supply of Orleans, and an army of ten thousand men, under the command of St. Severe, assembled to escort it. She ordered all the soldiers to confess themselves before they set out on the enterprise: she banished from the camp all women of bad fame: she displayed in her hands a consecrated banner, where the Supreme Being was represented, grasping the globe or earth, and surrounded with flower de luces. And she insisted, in right of her prophetic mission, that the convoy should enter Orleans by the direct road from the side of Beausse: but the count of Dunois, unwilling to submit the rules of the military art to her inspirations, ordered it to approach by the other side of the river, where he knew the weakest part of the English army was stationed.

Previous to this attempt, the maid had written to the regent, and to the English generals before Orleans, commanding them, in the name of the omnipotent Creator, by whom she was commissioned, immediately to raise the siege; and to evacuate France; and menacing them with divine vengeance in case of their disobedience. All the English affected to speak with derision of the maid, and of her heavenly commission; and said, that the French king was now indeed reduced to a sorry pass, when he had recourse to such ridiculous expedients: but they felt their imagination secretly struck with the vehement persuasion which prevailed in all around them; and they waited with an anxious expectation, not unmixed with horror, for the issue of these extraordinary preparations.

As the convoy approached the river, a sally was made by the garrison on the side of Beausse, to prevent the English general from sending any

detachment to the other side: the provisions were peaceably embarked in boats, which the inhabitants of Orleans had sent to receive them: the maid covered with her troops the embarkation: Suffolk did not venture to attack her: and the French general carried back the army in safety to Blois; an alteration of affairs which was already visible to all the world, and which had a proportional effect on the minds of both parties.

The maid entered the city of Orleans, arrayed in her military garb, and displaying her consecrated standard; and was received as a celestial deliverer by all the inhabitants. They now believed themselves invincible under her influence; and Dunois himself, perceiving such a mighty alteration both in friends and foes, consented, that the next convoy, which was expected in a few days, should enter by the side of Beausse. The convoy approached: no sign of resistance appeared in the besiegers: the wagons and troops passed without interruption between the redoubts of the English: a dead silence and astonishment reigned among those troops, formerly so elated with victory, and so fierce for the combat.

The earl of Suffolk was in a situation very unusual and extraordinary, and which might well confound the man of the greatest capacity and firmest temper. He saw his troops overawed, and strongly impressed with the idea of a divine influence accompanying the maid. Instead of banishing these vain terrors by hurry, and action, and war, he waited till the soldiers should recover from the panic; and he thereby gave leisure for those prepossessions to sink still deeper into their minds. The military maxims which are prudent in common cases, deceived him in these unaccountable events. The English felt their courage daunted and overwhelmed; and thence inferred a divine vengeance hanging over them. The French drew the same inference from an inactivity so new and unexpected. Every circumstance was now reversed in the opinions of men, on which all depends: the spirit resulting from a long course of uninterrupted success, was on a sudden transferred from the victors to the vanquished.

The maid called aloud, that the garrison should remain no longer on the defensive; and she promised her followers the assistance of Heaven in attacking those redoubts of the enemy which had so long kept them in awe, and which they had never hitherto dared to insult. The generals seconded her ardor: an attack was made on one redoubt, and it proved

successful:<sup>24</sup> all the English who defended the intrenchments were put to the sword or taken prisoners: and Sir John Talbot himself, who had drawn together, from the other redoubts, some troops to bring them relief, durst not appear in the open field against so formidable an enemy.

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<sup>24</sup> Monstrelet, vol. ii. p. 45.

Nothing, after this success, seemed impossible to the maid and her enthusiastic votaries. She urged the generals to attack the main body of the English in their intrenchments, but Dunois, still unwilling to hazard the fate of France by too great temerity, and sensible that the least reverse of fortune would make all the present visions evaporate, and restore every thing to its former condition, checked her vehemence and proposed to her first to expel the enemy from their forts on the other side of the river, and thus lay the communication with the country entirely open, before she attempted any more hazardous enterprise. Joan was persuaded, and these forts were vigorously assailed. In one attack the French were repulsed; the maid was left almost alone; she was obliged to retreat, and join the runaways; but, displaying her sacred standard, and animating them with her countenance, her gestures, her exhortations, she led them back to the charge, and overpowered the English in their intrenchments. In the attack of another fort, she was wounded in the neck with an arrow; she retreated a moment behind the assailants; she pulled out the arrow with her own hands; she had the wound quickly dressed; and she hastened back to head the troops, and to plant her victorious banner on the ramparts of the enemy.

By all these successes, the English were entirely chased from their fortifications on that side: they had lost above six thousand men in these different actions; and, what was still more important, their wonted courage and confidence were wholly gone, and had given place to amazement and despair. The maid returned triumphant over the bridge, and was again received as the guardian angel of the city. After performing such miracles, she convinced the most obdurate incredulity of her divine mission: men felt themselves animated as by a superior energy, and thought nothing impossible to that divine hand which so visibly conducted

them. It was in vain even for the English generals to oppose with their soldiers the prevailing opinion of supernatural influence: they themselves were probably moved by the same belief: the utmost they dared to advance was, that Joan was not an instrument of God; she was only the implement of the devil: but as the English had felt, to their sad experience, that the devil might be allowed sometimes to prevail, they derived not much consolation from the enforcing of this opinion.

It might prove extremely dangerous for Suffolk, with such intimidated troops, to remain any longer in the presence of so courageous and victorious an enemy; he therefore raised the siege, and retreated with all the precaution imaginable. The French resolved to push their conquests, and to allow the English no leisure to recover from their consternation. Charles formed a body of six thousand men, and sent them to attack Jergeau, whither Suffolk had retired with a detachment of his army. The siege lasted ten days; and the place was obstinately defended. Joan displayed her wonted intrepidity on the occasion. She descended into the fosse, in leading the attack: and she there received a blow on the head with a stone, by which she was confounded and beaten to the ground: but she soon recovered herself, and in the end rendered the assault successful: Suffolk was obliged to yield himself prisoner to a Frenchman called Renaud; but before he submitted, he asked his adversary whether he were a gentleman. On receiving a satisfactory answer, he demanded whether he were a knight. Renaud replied, that he had not yet attained that honor. "Then I make you one," replied Suffolk; upon which he gave him the blow with his sword which dubbed him into that fraternity; and he immediately surrendered himself his prisoner.

The remainder of the English army was commanded by Fastolffe, Scales, and Talbot, who thought of nothing but of making their retreat, as soon as possible, into a place of safety; while the French esteemed the overtaking them equivalent to a victory; so much had the events which passed before Orleans altered every thing between the two nations! The vanguard of the French under Richemont and Xaintrailles attacked the rear of the enemy at the village of Patay. The battle lasted not a moment: the English were discomfited and fled: the brave Fastolffe himself showed the example of flight to his troops; and the order of the garter was taken



from him, as a punishment for this instance of cowardice.<sup>25</sup> Two thousand men were killed in this action, and both Talbot and Scales taken prisoners.

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<sup>25</sup> Monstrelet, vol. ii. p. 46.

In the account of all these successes, the French writers, to magnify the wonder, represent the maid (who was now known by the appellation of “the Maid of Orleans”) as not only active in combat, but as performing the office of general; directing the troops, conducting the military operations, and swaying the deliberations in all councils of war. It is certain that the policy of the French court endeavored to maintain this appearance with the public: but it is much more probable, that Dunois and the wiser commanders prompted her in all her measures, than that a country girl, without experience of education, could on a sudden become expert in a profession which requires more genius and capacity than any other active scene of life. It is sufficient praise, that she could distinguish the persons on whose judgment she might rely; that she could seize their hints and suggestions, and on a sudden, deliver their opinions as her own; and that she could curb, on occasion, that visionary and enthusiastic spirit with which she was actuated, and could temper it with prudence and discretion.

The raising of the siege of Orleans was one part of the maid’s promise to Charles: the crowning of him at Rheims was the other: and she now vehemently insisted that he should forthwith set out on that enterprise. A few weeks before, such a proposal would have appeared the most extravagant in the world. Rheims lay in a distant quarter of the kingdom; was then in the hands of a victorious enemy; the whole road which led to it was occupied by their garrisons; and no man could be so sanguine as to imagine that such an attempt could so soon come within the bounds of possibility. But as it was extremely the interest of Charles to maintain the belief of something extraordinary and divine in these events, and to avail himself of the present consternation of the English, he resolved to follow the exhortations of his warlike prophetess, and to lead his army upon this promising adventure. Hitherto he had kept remote from the scene of war: as the safety of the state depended upon his person, he had been persuaded to restrain his military ardor: but observing this prosperous

turn of affairs, he now determined to appear at the head of his armies, and to set the example of valor to all his soldiers, And the French nobility saw at once their young sovereign assuming a new and more brilliant character, seconded by fortune, and conducted by the hand of Heaven, and they caught fresh zeal to exert themselves in replacing him on the throne of his ancestors.

Charles set out for Rheims at the head of twelve thousand men: he passed by Troye, which opened its gates to him; Chalons imitated the example: Rheims sent him a deputation with its keys, before his approach to it: and he scarcely perceived, as he passed along, that he was marching through an enemy's country. The ceremony of his coronation was here performed<sup>26</sup> with the holy oil, which a pigeon had brought to King Clovis from heaven, on the first establishment of the French monarchy: the maid of Orleans stood by his side in complete armor, and displayed her sacred banner, which had so often dissipated and confounded his fiercest enemies: and the people shouted with the most unfeigned joy, on viewing such a complication of wonders. After the completion of the ceremony, the maid threw herself at the king's feet, embraced his knees, and with a flood of tears, which pleasure and tenderness extorted from her, she congratulated him on this singular and marvellous event.

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<sup>26</sup> Monstrelet, vol. ii. p. 48.

Charles, thus crowned and anointed, became more respectable in the eyes of all his subjects, and seemed, in a manner, to receive anew, from a heavenly commission, his title to their allegiance. The inclinations of men swaying their belief, no one doubted of the inspirations and prophetic spirit of the maid: so many incidents which passed all human comprehension, left little room to question a superior influence: and the real and undoubted facts brought credit to every exaggeration, which could scarcely be rendered more wonderful. Laon, Soissons, Chateau-Thierry, Provins, and many other towns and fortresses in that neighborhood, immediately after Charles's coronation, submitted to him on the first summons; and the whole nation was disposed to give him the most zealous testimonies of their duty and affection.

Nothing can impress us with a higher idea of the wisdom, address, and resolution of the duke of Bedford, than his being able to maintain himself in so perilous a situation, and to preserve some footing in France, after the defection of so many places, and amidst the universal inclination of the rest to imitate that contagious example. This prince seemed present every where by his vigilance and foresight: he employed every resource which fortune had yet left him: he put all the English garrisons in a posture of defence: he kept a watchful eye over every attempt among the French towards an insurrection: he retained the Parisians in obedience, by alternately employing caresses and severity: and knowing that the duke of Burgundy was already wavering in his fidelity, he acted with so much skill and prudence, as to renew, in this dangerous crisis, his alliance with that prince; an alliance of the utmost importance to the credit and support of the English government.

The small supplies which he received from England set the talents of this great man in a still stronger light. The ardor of the English for foreign conquests was now extremely abated by time and reflection: the parliament seems even to have become sensible of the danger which might attend their further progress: no supply of money could be obtained by the regent during his greatest distresses: and men enlisted slowly under his standard, or soon deserted, by reason of the wonderful accounts which had reached England, of the magic and sorcery, and diabolical power of the maid of Orleans.<sup>27</sup> It happened fortunately, in this emergency, that the bishop of Winchester, now created a cardinal, landed at Calais with a body of five thousand men, which he was conducting into Bohemia, on a crusade against the Hussites. He was persuaded to lend these troops to his nephew during the present difficulties;<sup>28</sup> and the regent was thereby enabled to take the field, and to oppose the French king, who was advancing with his army to the gates of Paris.

The extraordinary capacity of the duke of Bedford appeared also in his military operations. He attempted to restore the courage of his troops by boldly advancing to the face of the enemy; but he chose his posts with so much caution, as always to decline a combat, and to render it impossible for Charles to attack him. He still attended that prince in all his movements; covered his own towns and garrisons; and kept himself in a

posture to reap advantage from every imprudence or false step of the enemy. The French army, which consisted mostly of volunteers, who served at their own expense, soon after retired and was disbanded: Charles went to Bourges, the ordinary place of his residence; but not till he made himself master of Compiegne, Beauvais, Senlis, Sens, Laval, Lagni, St. Denis, and of many places in the neighborhood of Paris, which the affections of the people had put into his hands.

The regent endeavored to revive the declining state of his affairs, by <sup>1430</sup>. bringing over the young king of England, and having him crowned and anointed at Paris,<sup>29</sup> All the vassals of the crown who lived within the provinces possessed by the English, swore anew allegiance, and did homage to him.

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<sup>27</sup> Rymer, vol. x. p. 459, 472.

<sup>28</sup> Rymer, vol. x. p. 421.

<sup>29</sup> Rymer, vol. x. p. 432.

But this ceremony was cold and insipid, compared with the lustre which had attended the coronation of Charles at Rheims; and the duke of Bedford expected more effect from an accident, which put into his hands the person that had been the author of all his calamities.

The maid of Orleans, after the coronation of Charles, declared to the count of Dunois that her wishes were now fully gratified, and that she had no further desire than to return to her former condition, and to the occupation and course of life which became her sex: but that nobleman, sensible of the great advantages which might still be reaped from her presence in the army, exhorted her to persevere, till, by the final expulsion of the English, she had brought all her prophecies to their full completion. In pursuance of this advice, she threw herself into the town of Compiegne, which was at that time besieged by the duke of Burgundy, assisted by the earls of Arundel and Suffolk; and the garrison, on her appearance, believed themselves thenceforth invincible. But their joy was of short duration. The maid, next day after her arrival, headed a sally upon the quarters of John of Luxembourg; she twice drove the enemy from their intrenchments;

finding their numbers to increase every moment, she ordered a retreat; when hard pressed by the pursuers, she turned upon them, and made them again recoil; but being here deserted by her friends, and surrounded by the enemy, she was at last, after exerting the utmost valor, taken prisoner by the Burgundians.<sup>30</sup> The common opinion was, that the French officers, finding the merit of every victory ascribed to her, had, in envy to her renown, by which they were themselves so much eclipsed, willingly exposed her to this fatal accident.

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<sup>30</sup> Stowe, p. 371.

The envy of her friends, on this occasion, was not a greater proof of her merit than the triumph of her enemies. A complete victory would not have given more joy to the English and their partisans. The service of *Te Deum*, which has so often been profaned by princes, was publicly celebrated on this fortunate event at Paris. The duke of Bedford fancied that, by the captivity of that extraordinary woman, who had blasted all his successes, he should again recover his former ascendant over France; and to push farther the present advantage, he purchased the captive from John of Luxembourg, and formed a prosecution against her, which, whether it proceeded from vengeance or policy, was equally barbarous and dishonorable.

There was no possible reason why Joan should not be regarded as a <sup>1431</sup> prisoner of war, and be entitled to all the courtesy and good usage which civilized nations practise towards enemies on these occasions. She had never, in her military capacity, forfeited, by any act of treachery or cruelty, her claim to that treatment: she was unstained by any civil crime: even the virtues and the very decorums of her sex had ever been rigidly observed by her: and though her appearing in war, and leading armies to battle, may seem an exception, she had thereby performed such signal service to her prince, that she had abundantly compensated for this irregularity; and was, on that very account, the more an object of praise and admiration. It was necessary, therefore, for the duke of Bedford to interest religion some way in the prosecution, and to cover under that cloak his violation of justice and humanity.

The bishop of Beauvais, a man wholly devoted to the English interests, presented a petition against Joan, on pretence that she was taken within the bounds of his diocese; and he desired to have her tried by an ecclesiastical court for sorcery, impiety, idolatry, and magic: the university of Paris was so mean as to join in the same request: several prelates, among whom the cardinal of Winchester was the only Englishman, were appointed her judges: they held their court in Rouen, where the young king of England then resided: and the maid, clothed in her former military apparel, but loaded with irons, was produced before this tribunal.

She first desired to be eased of her chains: her judges answered, that she had once already attempted an escape by throwing herself from a tower: she confessed the fact, maintained the justice of her intention, and owned that, if she could, she would still execute that purpose. All her other speeches showed the same firmness and intrepidity: though harassed with interrogatories during the course of near four months, she never betrayed any weakness or womanish submission; and no advantage was gained over her. The point which her judges pushed most vehemently, was her visions and revelations, and intercourse with departed saints; and they asked her, whether she would submit to the church the truth of these inspirations: she replied, that she would submit them to God, the fountain of truth. They then exclaimed, that she was a heretic, and denied the authority of the church. She appealed to the pope: they rejected her appeal.

They asked her, why she put trust in her standard, which had been consecrated by magical incantations: she replied that she put trust in the Supreme Being alone, whose image was impressed upon it. They demanded, why she carried in her hand that standard at the anointment and coronation of Charles at Rheims: she answered, that the person who had shared the danger was entitled to share the glory. When accused of going to war, contrary to the decorums of her sex, and of assuming government and command over men, she scrupled not to reply, that her sole purpose was to defeat the English, and to expel them the kingdom. In the issue, she was condemned for all the crimes of which she had been accused, aggravated by heresy; her revelations were declared to be inventions of the devil to delude the people; and she was sentenced to be delivered over to the secular arm.

Joan, so long surrounded by inveterate enemies, who treated her with every mark of contumely; browbeaten and overawed by men of superior rank, and men invested with the ensigns of a sacred character, which she had been accustomed to revere, felt her spirit at last subdued; and those visionary dreams of inspiration, in which she had been buoyed up by the triumphs of success and the applauses of her own party, gave way to the terrors of that punishment to which she was sentenced. She publicly declared herself willing to recant: she acknowledged the illusion of those revelations which the church had rejected; and she promised never more to maintain them. Her sentence was then mitigated: she was condemned to perpetual imprisonment, and to be fed during life on bread and water.

Enough was now done to fulfil all political views, and to convince both the French and the English, that the opinion of divine influence, which had so much encouraged the one and daunted the other, was entirely without foundation. But the barbarous vengeance of Joan's enemies was not satisfied with this victory. Suspecting that the female dress, which she had now consented to wear, was disagreeable to her, they purposely placed in her apartment a suit of men's apparel; and watched for the effects of that temptation upon her. On the sight of a dress in which she had acquired so much renown, and which, she once believed, she wore by the particular appointment of Heaven, all her former ideas and passions revived; and she ventured in her solitude to clothe herself again in the forbidden garment. Her insidious enemies caught her in that situation: her fault was interpreted to be no less than a relapse into heresy: no recantation would now suffice; and no pardon could be granted her. She was condemned to be burned in the market-place of Rouen; and the infamous sentence was accordingly executed. This admirable heroine, to whom the more generous superstition of the ancients would have erected altars, was, on pretence of heresy and magic, delivered over alive to the flames, and expiated, by that dreadful punishment, the signal services which she had rendered to her prince and to her native country.

The affairs of the English, far from being advanced by this execution, <sup>1432.</sup> went every day more and more to decay: the great abilities of the regent were unable to resist the strong inclination which had seized the French to return under the obedience of their rightful sovereign, and which that act

of cruelty was ill fitted to remove. Chartres was surprised, by a stratagem of the count of Dunois: a body of the English, under Lord Willoughby, was defeated at St. Celerin upon the Sarthe:<sup>31</sup> the fair in the suburbs of Caen, seated in the midst of the English territories, was pillaged by De Lore, a French officer: the duke of Bedford himself was obliged by Dunois to raise the siege of Lagni with some loss of reputation: and all these misfortunes, though light, yet being continued and uninterrupted, brought discredit on the English, and menaced them with an approaching revolution. But the chief detriment which the regent sustained, was by the death of his duchess, who had hitherto preserved some appearance of friendship between him and her brother, the duke of Burgundy:<sup>32</sup> and his marriage, soon afterwards, with Jaqueline of Luxembourg, was the beginning of a breach between them.<sup>33</sup> Philip complained, that the regent had never had the civility to inform him of his intentions, and that so sudden a marriage was a slight on his sister's memory.

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<sup>31</sup> Monstrelet, vol. ii. p. 100.

<sup>32</sup> Monstrolet, vol. ii. p. 87.

<sup>33</sup> Stowe, p. 373. Grafton, p. 554.

The cardinal of Winchester meditated a reconciliation between these princes, and brought both of them to St. Omers for that purpose. The duke of Bedford here expected the first visit, both as he was son, brother, and uncle to a king, and because he had already made such advances as to come into the duke of Burgundy's territories, in order to have an interview with him: but Philip, proud of his great power and independent dominions, refused to pay this compliment to the regent; and the two princes, unable to adjust the ceremonial, parted without seeing each other.<sup>34</sup> A bad prognostic of their cordial intentions to renew past amity!

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<sup>34</sup> Monstrelet, vol. ii. p. 90. Grafton, p. 561.



Nothing could be more repugnant to the interests of the house of Burgundy, than to unite the crowns of France and England on the same head; an event which, had it taken place, would have reduced the duke to the rank of a petty prince, and have rendered his situation entirely dependent and precarious. The title also to the crown of France, which, after the failure of the elder branches, might accrue to the duke or his posterity, had been sacrificed by the treaty of Troye; and strangers and enemies were thereby irrevocably fixed upon the throne. Revenge alone had carried Philip into these impolitic measures; and a point of honor had hitherto induced him to maintain them. But as it is the nature of passion gradually to decay, while the sense of interest maintains a permanent influence and authority, the duke had, for some years, appeared sensibly to relent in his animosity against Charles, and to hearken willingly to the apologies made by that prince for the murder of the late duke of Burgundy. His extreme youth was pleaded in his favor; his incapacity to judge for himself; the ascendant gained over him by his ministers; and his inability to resent a deed which, without his knowledge, had been perpetrated by those under whose guidance he was then placed. The more to flatter the pride of Philip, the king of France had banished from his court and presence Tanegui de Chatel, and all those who were concerned in that assassination; and had offered to make every other atonement which could be required of him. The distress which Charles had already suffered, had tended to gratify the duke's revenge; the miseries to which France had been so long exposed, had begun to move his compassion; and the cries of all Europe admonished him, that his resentment, which might hitherto be deemed pious, would, if carried further, be universally condemned as barbarous and unrelenting. While the duke was in this disposition, every disgust which he received from England made a double impression upon him; the entreaties of the count of Richemont and the duke of Bourbon, who had married his two sisters, had weight; and he finally determined to unite himself to the royal family of France, from which his own was descended.

For this purpose, a congress was appointed at Arras under the <sup>1435</sup>. mediation of deputies from the pope and the council of Basle: the duke of Burgundy came thither in person: the duke of Bourbon, the count of Richemont, and other persons of high rank, appeared as ambassadors

from France: and the English having also been invited to attend, the cardinal of Winchester, the bishops of Norwich and St. David's, the earls of Huntingdon and Suffolk, with others, received from the protector and council a commission for that purpose.<sup>35</sup>

The conferences were held in the abbey of St. Vaast, and began with discussing the proposals of the two crowns which were so wide of each other as to admit of no hopes of accommodation. France offered to cede Normandy with Guienne, but both of them loaded with the usual homage and vassalage to the crown. As the claims of England upon France were universally unpopular in Europe, the mediators declared the offers of Charles very reasonable, and the cardinal of Winchester, with the other English ambassadors, without giving a particular detail of their demands, immediately left the congress. There remained nothing but to discuss the mutual pretensions of Charles and Philip. These were easily adjusted: the vassal was in a situation to give law to his superior; and he exacted conditions which, had it not been for the present necessity, would have been deemed, to the last degree, dishonorable and disadvantageous to the crown of France. Besides making repeated atonements and acknowledgments for the murder of the duke of Burgundy, Charles was obliged to cede all the towns of Picardy which lay between the Somme and the Low Countries; he yielded several other territories; he agreed that these and all the other dominions of Philip should be held by him, during his life, without doing any homage, or swearing fealty to the present king; and he freed his subjects from all obligations to allegiance, if ever he infringed this treaty.<sup>36</sup> Such were the conditions upon which France purchased the friendship of the duke of Burgundy.

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<sup>35</sup> Rymer, vol. x. p. 611, 612.

<sup>36</sup> Monstrelet, vol ii. p. 112. Grafton, p. 565.

The duke sent a herald to England with a letter, in which he notified the conclusion of the treaty of Arras, and apologized for his departure from that of Troye. The council received the herald with great coldness: they even assigned him his lodgings in a shoemaker's house, by way of insult;

and the populace were so incensed, that if the duke of Gloucester had not given him guards, his life had been exposed to danger when he appeared in the streets. The Flemings, and other subjects of Philip, were insulted, and some of them murdered by the Londoners; and every thing seemed to tend towards a rupture between the two nations.<sup>37</sup> These violences were not disagreeable to the duke of Burgundy; as they afforded him a pretence for the further measures which he intended to take against the English, whom he now regarded as implacable and dangerous enemies.

A few days after the duke of Bedford received intelligence of this treaty, so fatal to the interests of England, he died at Rouen; a prince of great abilities, and of many virtues; and whose memory, except from the barbarous execution of the maid of Orleans, was unsullied by any considerable blemish. Isabella, queen of France, died a little before him, despised by the English, detested by the French, and reduced, in her latter years, to regard with an unnatural horror the progress and success of her own son, in recovering possession of his kingdom. This period was also signaled by the death of the earl of Arundel,<sup>38</sup> a great English general, who, though he commanded three thousand men, was foiled by Xaintrailles at the head of six hundred, and soon after expired of the wounds which he received in the action.

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<sup>37</sup> Monstrelet, vol. ii. p. 120. Holing. p. 612.

<sup>38</sup> Monstrelet, vol. ii. p. 105. Holing, p. 610.

The violent factions which prevailed between the duke of Gloucester <sup>1436</sup> and the cardinal of Winchester, prevented the English from taking the proper measures for repairing these multiplied losses, and threw all their affairs into confusion. The popularity of the duke, and his near relation to the crown, gave him advantages in the contest, which he often lost by his open and unguarded temper, unfit to struggle with the politic and interested spirit of his rival. The balance, meanwhile, of these parties, kept every thing in suspense; foreign affairs were much neglected; and though the duke of York, son to that earl of Cambridge who was executed in the beginning of the last reign, was appointed successor to the duke of

Bedford, it was seven months before his commission passed the seals; and the English remained so long in an enemy's country, without a proper head or governor.

The new governor, on his arrival, found the capital already lost. The Parisians had always been more attached to the Burgundian than to the English interest; and after the conclusion of the treaty of Arras, their affections, without any further control, universally led them to return to their allegiance under their native sovereign. The constable, together with Lile-Adam, the same person who had before put Paris into the hands of the duke of Burgundy, was introduced in the night-time by intelligence with the citizens: Lord Willoughby, who commanded only a small garrison of fifteen hundred men, was expelled: this nobleman discovered valor and presence of mind on the occasion; but unable to guard so large a place against such multitudes, he retired into the Bastile, and being there invested, he delivered up that fortress, and was contented to stipulate for the safe retreat of his troops into Normandy.<sup>39</sup>

In the same season, the duke of Burgundy openly took part against England, and commenced hostilities by the siege of Calais, the only place which now gave the English any sure hold of France, and still rendered them dangerous. As he was beloved among his own subjects, and had acquired the epithet of Good, from his popular qualities, he was able to interest all the inhabitants of the Low Countries in the success of this enterprise; and he invested that place with an army formidable from its numbers, but without experience, discipline, or military spirit.<sup>40</sup> On the first alarm of this siege, the duke of Gloucester assembled some forces, sent a defiance to Philip, and challenged him to wait the event of a battle, which he promised to give, as soon as the wind would permit him to reach Calais. The warlike genius of the English had at that time rendered them terrible to all the northern parts of Europe; especially to the Flemings, who were more expert in manufactures than in arms; and the duke of Burgundy, being already foiled in some attempts before Calais, and observing the discontent and terror of his own army, thought proper to raise the siege, and to retreat before the arrival of the enemy.<sup>41</sup>

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<sup>39</sup> Monstrelet, vol. ii. p. 127. Grafton, p. 568.

<sup>40</sup> Monstrelet, vol. ii, p. 126, 130, 132. Holing. p. 613. Grafton, p 571.

<sup>41</sup> Monstrelet, vol. ii. p. 136. Holing. p. 614.

The English were still masters of many fine provinces in France; but retained possession more by the extreme weakness of Charles, than by the strength of their own garrisons or the force of their armies. Nothing, indeed, can be more surprising than the feeble efforts made, during the course of several years, by these two potent nations against each other while the one struggled for independence, and the other aspired to a total conquest of its rival. The general want of industry, commerce, and police in that age, had rendered all the European nations, and France and England no less than the others, unfit for bearing the burdens of war, when it was prolonged beyond one season; and the continuance of hostilities had, long ere this time, exhausted the force and patience of both kingdoms. Scarcely could the appearance of an army be brought into the field on either side; and all the operations consisted in the surprisal of places, in the rencounter of detached parties, and in incursions upon the open country; which were performed by small bodies, assembled on a sudden from the neighboring garrisons. In this method of conducting the war, the French king had much the advantage: the affections of the people were entirely on his side: intelligence was early brought him of the state and motions of the enemy: the inhabitants were ready to join in any attempts against the garrisons: and thus ground was continually, though slowly, gained upon the English. The duke of York, who was a prince of abilities, struggled against these difficulties during the course of five years; and being assisted by the valor of Lord Talbot, soon after created earl of Shrewsbury, he performed actions which acquired him honor, but merit not the attention of posterity. It would have been well, had this feeble war, in sparing the blood of the people, prevented likewise all other oppressions; and had the fury of men, which reason and justice cannot restrain, thus happily received a check from their impotence and inability. But the French and English, though they exerted such small force, were, however, stretching beyond their resources, which were still smaller; and the troops, destitute of pay, were obliged to subsist by plundering and oppressing the country, both of friends and enemies. The fields in all the

north of France, which was the seat of war, were laid waste and left uncultivated.<sup>42</sup>

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<sup>42</sup> Grafton, p 562.

The cities were gradually depopulated, not by the blood spilt in 1440. battle, but by the more destructive pillage of the garrisons;<sup>43</sup> and both parties, weary of hostilities which decided nothing, seemed at last desirous of peace, and they set on foot negotiations for that purpose. But the proposals of France, and the demands of England, were still so wide of each other, that all hope of accommodation immediately vanished. The English ambassadors demanded restitution of all the provinces which had once been annexed to England, together with the final cession of Calais and its district; and required the possession of these extensive territories without the burden of any fealty or homage on the part of their prince: the French offered only part of Guienne, part of Normandy, and Calais, loaded with the usual burdens. It appeared in vain to continue the negotiation while there was so little prospect of agreement. The English were still too haughty to stoop from the vast hopes which they had formerly entertained, and to accept of terms more suitable to the present condition of the two kingdoms.

The duke of York soon after resigned his government to the earl of Warwick, a nobleman of reputation, whom death prevented from long enjoying this dignity. The duke, upon the demise of that nobleman, returned to his charge; and during his administration, a truce was concluded between the king of England and the duke of Burgundy, which had become necessary for the commercial interests of their subjects.<sup>44</sup> The war with France continued in the same languid and feeble state as before.

The captivity of five princes of the blood, taken prisoners in the battle of Azincour, was a considerable advantage, which England long enjoyed over its enemy; but this superiority was now entirely lost. Some of these princes had died; some had been ransomed; and the duke of Orleans, the most powerful among them, was the last that remained in the hands of the English. He offered the sum of fifty-four thousand nobles<sup>45</sup> for his liberty;

and when this proposal was laid before the council of England, as every question was there an object of faction, the party of the duke of Gloucester, and that of the cardinal of Winchester, were divided in their sentiments with regard to it.

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<sup>43</sup> Fortescue, who soon after this period visited France, in the train of Prince Henry, speaks of that kingdom as a desert, in comparison of England. See his treatise *De Laudibus Legum Angliæ*. Though we make allowance for the partialities of Fortescue, there must have been some foundation for his account; and these destructive wars are the most likely reason to be assigned for the difference remarked by this author.

<sup>44</sup> Grafton, p. 673.

<sup>45</sup> Rymer, vol. x. p. 764, 776, 782, 795, 796. This sum was equal to thirty-six thousand pounds sterling of our present money. A subsidy of a tenth and fifteenth was fixed by Edward III. at twenty-nine thousand pounds, which, in the reign of Henry VI., made only fifty-eight thousand pounds of our present money. The parliament granted only one subsidy during the course of seven years, from 1437 to 1444.

The duke reminded the council of the dying advice of the late king, that none of these prisoners should on any account be released, till his son should be of sufficient age to hold himself the reins of government. The cardinal insisted on the greatness of the sum offered, which, in reality, was nearly equal to two thirds of all the extraordinary supplies that the parliament, during the course of seven years, granted for the support of the war. And he added, that the release of this prince was more likely to be advantageous than prejudicial to the English interests; by filling the court of France with faction, and giving a head to those numerous malecontents whom Charles was at present able with great difficulty to restrain. The cardinal's party, as usual, prevailed: the duke of Orleans was released, after a melancholy captivity of twenty-five years:<sup>46</sup> and the duke of Burgundy, as a pledge of his entire reconciliation with the family of Orleans, facilitated to that prince the payment of his ransom. It must be confessed, that the princes and nobility, in those ages, went to war on very disadvantageous terms. If they were taken prisoners, they either remained in captivity during life, or purchased their liberty at the price which the

victors were pleased to impose, and which often reduced their families to want and beggary.

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<sup>46</sup> Grafton, p. 578.

The sentiments of the cardinal, some time after, prevailed in <sup>1443</sup> another point of still greater moment. That prelate had always encouraged every proposal of accommodation with France; and had represented the utter impossibility, in the present circumstances, of pushing farther the conquests in that kingdom, and the great difficulty of even maintaining those which were already made. He insisted on the extreme reluctance of the parliament to grant supplies; the disorders in which the English affairs in Normandy were involved; the daily progress made by the French king; and the advantage of stopping his hand by a temporary accommodation which might leave room for time and accidents to operate in favor of the English. The duke of Gloucester, high-spirited and haughty, and educated in the lofty pretensions which the first successes of his two brothers had rendered familiar to him, could not yet be induced to relinquish all hopes of prevailing over France; much less could he see with patience his own opinion thwarted and rejected by the influence of his rival in the English council. But, notwithstanding his opposition, the earl of Suffolk, a nobleman who adhered to the cardinal's party, was despatched to Tours, in order to negotiate with the French ministers. It was found impossible to adjust the terms of a lasting peace; but a truce for twenty-two months was concluded, which left every thing on the present footing between the parties. The numerous disorders under which the French government labored, and which time alone could remedy, induced Charles to assent to this truce; and the same motives engaged him afterwards to prolong it.<sup>47</sup> But Suffolk, not content with executing this object of his commission, proceeded also to finish another business, which seems rather to have been implied than expressed in the powers that had been granted him.<sup>48</sup>

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<sup>47</sup> Rymer, vol. xi. p. 101, 108, 206, 214.

<sup>48</sup> Rymer, vol. xi. p. 53.



In proportion as Henry advanced in years, his character became fully known in the court, and was no longer ambiguous to either faction. Of the most harmless, inoffensive, simple manners, but of the most slender capacity, he was fitted, both by the softness of his temper and the weakness of his understanding, to be perpetually governed by those who surrounded him; and it was easy to foresee that his reign would prove a perpetual minority. As he had now reached the twenty-third year of his age, it was natural to think of choosing him a queen; and each party was ambitious of having him receive one from their hand, as it was probable that this circumstance would decide forever the victory between them. The duke of Gloucester proposed a daughter of the count of Armagnac; but had not credit to effect his purpose. The cardinal and his friends had cast their eye on Margaret of Anjou, daughter of Regnier, titular king of Sicily, Naples, and Jerusalem, descended from the count of Anjou, brother of Charles V., who had left these magnificent titles, but without any real power or possessions, to his posterity. This princess herself was the most accomplished of her age, both in body and mind; and seemed to possess those qualities which would equally qualify her to acquire the ascendant over Henry, and to supply all his defects and weaknesses. Of a masculine, courageous spirit, of an enterprising temper, endowed with solidity as well as vivacity of understanding, she had not been able to conceal these great talents even in the privacy of her father's family; and it was reasonable to expect, that when she should mount the throne, they would break out with still superior lustre. The earl of Suffolk, therefore, in concert with his associates of the English council, made proposals of marriage to Margaret, which were accepted. But this nobleman, besides preoccupying the princess's favor by being the chief means of her advancement, endeavored to ingratiate himself with her and her family, by very extraordinary concessions: though Margaret brought no dowry with her, he ventured of himself, without any direct authority from the council, but probably with the approbation of the cardinal and the ruling members, to engage, by a secret article, that the province of Maine, which was at that time in the hands of the English, should be ceded to Charles of Anjou, her uncle,<sup>49</sup> who was prime minister and favorite of the French king, and who had

already received from his master the grant of that province as his appanage.

The treaty of marriage was ratified in England: Suffolk obtained first the title of marquis, then that of duke; and even received the thanks of parliament for his services in concluding it.<sup>50</sup> The princess fell immediately into close connections with the cardinal and his party, the dukes of Somerset, Suffolk, and Buckingham;<sup>51</sup> who, fortified by her powerful patronage, resolved on the final ruin of the duke of Gloucester.

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<sup>49</sup> Grafton, p. 590.

<sup>50</sup> Cotton, p. 630.

<sup>51</sup> Holingshed, p. 626.

This generous prince, worsted in all court intrigues, for which his <sup>1447</sup> temper was not suited, but possessing in a high degree the favor of the public, had already received from his rivals a cruel mortification, which he had hitherto borne without violating public peace, but which it was impossible that a person of his spirit and humanity could ever forgive. His duchess, the daughter of Reginald Lord Cobham, had been accused of the crime of witchcraft; and it was pretended, that there was found in her possession a waxen figure of the king, which she and her associates, Sir Roger Bolingbroke, a priest, and one Margery Jordan, of Eye, melted in a magical manner before a slow fire, with an intention of making Henry's force and vigor waste away by like insensible degrees. The accusation was well calculated to affect the weak and credulous mind of the king, and to gain belief in an ignorant age; and the duchess was brought to trial with her confederates. The nature of this crime, so opposite to all common sense, seems always to exempt the accusers from observing the rules of common sense in their evidence: the prisoners were pronounced guilty; the duchess was condemned to do public penance, and to suffer perpetual imprisonment; the others were executed.<sup>52</sup> But as these violent proceedings were ascribed solely to the malice of the duke's enemies, the people, contrary to their usual practice in such marvellous trials, acquitted

the unhappy sufferers; and increased their esteem and affection towards a prince who was thus exposed, without protection, to those mortal injuries.

These sentiments of the public made the cardinal of Winchester and his party sensible that it was necessary to destroy a man whose popularity might become dangerous, and whose resentment they had so much cause to apprehend. In order to effect their purpose, a parliament was summoned to meet, not at London, which was supposed to be too well affected to the duke, but at St. Edmondsbury, where they expected that he would lie entirely at their mercy. As soon as he appeared, he was accused of treason, and thrown into prison. He was soon after found dead in his bed;<sup>52</sup> and though it was pretended that his death was natural, and though his body, which was exposed to public view, bore no marks of outward violence, no one doubted but he had fallen a victim to the vengeance of his enemies.

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<sup>52</sup> Stowe, p. 381. Holingshed, p. 622. Grafton, p. 687.

<sup>53</sup> Grafton, p. 597.

An artifice, formerly practised in the case of Edward II., Richard II., and Thomas of Woodstock, duke of Gloucester, could deceive nobody. The reason of this assassination of the duke seems, not that the ruling party apprehended his acquittal in parliament on account of his innocence, which, in such times, was seldom much regarded, but that they imagined his public trial and execution would have been more invidious than his private murder which they pretended to deny. Some gentlemen of his retinue were afterwards tried as accomplices in his treasons, and were condemned to be hanged, drawn, and quartered, They were hanged and cut down; but just as the executioner was proceeding to quarter them, their pardon was produced, and they were recovered to life;<sup>54</sup> the most barbarous kind of mercy that can possibly be imagined!

This prince is said to have received a better education than was usual in his age, to have founded one of the first public libraries in England, and to have been a great patron of learned men. Among other advantages which he reaped from this turn of mind, it tended much to cure him of

credulity of which the following instance is given by Sir Thomas More. There was a man who pretended that, though he was born blind, he had recovered his sight by touching the shrine of St. Albans. The duke, happening soon after to pass that way, questioned the man, and seeming to doubt of his sight, asked him the colors of several cloaks, worn by persons of his retinue. The man told them very readily. "You are a knave," cried the prince; "had you been born blind, you could not so soon have learned to distinguish colors;" and immediately ordered him to be set in the stocks as an impostor.<sup>55</sup>

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<sup>54</sup> Fabian, Chron. anno 1447.

<sup>55</sup> Grafton, p. 597.

The cardinal of Winchester died six weeks after his nephew whose murder was universally ascribed to him as well as to the duke of Suffolk, and which, it is said, gave him more remorse in his last moments than could naturally be expected from a man hardened, during the course of a long life, in falsehood and in politics. What share the queen had in this guilt is uncertain; her usual activity and spirit made the public conclude, with some reason, that the duke's enemies durst not have ventured on such a deed without her privity. But there happened, soon after, an event of which she and her favorite, the duke of Suffolk, bore incontestably the whole odium.

That article of the marriage treaty by which the province of Maine was to be ceded to Charles of Anjou, the queen's uncle, had probably been hitherto kept secret; and during the lifetime of the duke of Gloucester, it might have been dangerous to venture on the execution of it. But as the court of France strenuously insisted on performance, orders were now despatched, under Henry's hand, to Sir Francis Surienne, governor of Mans, commanding him to surrender that place to Charles of Anjou. Surienne, either questioning the authenticity of the order, or regarding his government as his sole fortune, refused compliance; and it became necessary for a French army, under the count of Dunois, to lay siege to the city. The governor made as good a defence as his situation could permit;

but receiving no relief from Edmund, duke of Somerset, who was at that time governor of Normandy, he was at last obliged to capitulate, and to surrender not only Mans, but all the other fortresses of that province, which was thus entirely alienated from the crown of England.

The bad effects of this measure stopped not here. Surienne, at the head <sup>1448</sup>. of all his garrisons, amounting to two thousand five hundred men, retired into Normandy, in expectation of being taken into pay, and of being quartered in some towns of that province. But Somerset, who had no means of subsisting such a multitude, and who was probably incensed at Surienne's disobedience, refused to admit him; and this adventurer, not daring to commit depredations on the territories either of the king of France or of England, marched into Brittany, seized the town of Fougères, repaired the fortifications of Pontorson and St. James de Beuvron, and subsisted his troops by the ravages which he exercised on that whole province.<sup>56</sup> The duke of Brittany complained of this violence to the king of France, his liege lord: Charles remonstrated with the duke of Somerset: that nobleman replied, that the injury was done without his privity, and that he had no authority over Surienne and his companions.<sup>57</sup> Though this answer ought to have appeared satisfactory to Charles, who had often felt severely the licentious independent spirit of such mercenary soldiers, he never would admit of the apology. He still insisted that these plunderers should be recalled, and that reparation should be made to the duke of Brittany for all the damages which he had sustained: and in order to render an accommodation absolutely impracticable, he made the estimation of damages amount to no less a sum than one million six hundred thousand crowns. He was sensible of the superiority which the present state of his affairs gave him over England; and he determined to take advantage of it.

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<sup>56</sup> Monstrelet, vol. iii. p. 6.

<sup>57</sup> Monstrelet vol. iii. p. 7. Holingshed, p. 629.

No sooner was the truce concluded between the two kingdoms, than Charles employed himself, with great industry and judgment, in repairing

those numberless ills to which France, from the continuance of wars both foreign and domestic, had so long been exposed. He restored the course of public justice; he introduced order into the finances; he established discipline in his troops; he repressed faction in his court; he revived the languid state of agriculture and the arts; and, in the course of a few years, he rendered his kingdom flourishing within itself, and formidable to its neighbors. Meanwhile, affairs in England had taken a very different turn. The court was divided into parties, which were enraged against each other: the people were discontented with the government: conquests in France, which were an object more of glory than of interest, were overlooked amidst domestic incidents, which engrossed the attention of all men: the governor of Normandy, ill supplied with money, was obliged to dismiss the greater part of his troops, and to allow the fortifications of the towns and castles to become ruinous; and the nobility and people of that province had, during the late open communication with France, enjoyed frequent opportunities of renewing connections with their ancient master, and of concerting the means for expelling the English. The occasion, therefore, seemed favorable to Charles for breaking the truce.

Normandy was at once invaded by four powerful armies: one <sup>1449</sup> commanded by the king himself; a second by the duke of Brittany; a third by the duke of Alençon; and a fourth by the count of Dunois. The places opened their gates almost as soon as the French appeared before them; Verneuil, Nogent, Chateau Gaillard, Ponteau de Mer, Gisors, Mante, Vernon, Argentan Lisieux, Fecamp, Coutances, Belesme, Pont de l'Arche, fell in an instant into the hands of the enemy. The duke of Somerset, so far from having an army which could take the field and relieve these places, was not able to supply them with the necessary garrisons and provisions. He retired, with the few troops of which he was master, into Rouen; and thought it sufficient, if, till the arrival of succors from England, he could save that capital from the general fate of the province. The king of France, at the head of a formidable army, fifty thousand strong, presented himself before the gates: the dangerous example of revolt had infected the inhabitants; and they called aloud for a capitulation. Somerset, unable to resist at once both the enemies within one from without, retired with his garrison into the palace and castle; which, being places not tenable he was obliged to surrender: he purchased a retreat to Harfleur by the payment of

fifty-six thousand crowns, by engaging to surrender Arques, Tancarville, Caudebec, Honfleur, and other places in the higher Normandy, and by delivering. hostages for the performance of articles.<sup>58</sup>

The governor of Honfleur refused to obey his orders; upon which the <sup>1450.</sup> earl of Shrewsbury, who was one of the hostages, was detained prisoner; and the English were thus deprived of the only general capable of recovering them from their present distressed; situation. Harfleur made a better defence under Sir Thomas Curson, the governor; but was finally obliged to open its gates to Dunois. Succors at last appeared from England, under Sir Thomas Kyriel, and landed at Cherbourg: but these came very late, amounted only to four thousand men, and were soon after put to rout at Fourmigni by the count of Clermont.<sup>59</sup> This battle, or rather skirmish, was the only action fought by the English for the defence of their dominions in France, which they had purchased at such an expense of blood and treasure. Somerset, shut up in Caen, without any prospect of relief, found it necessary to capitulate: Falaise opened its gates, on condition that the earl of Shrewsbury should be restored to liberty: and Cherbourg, the last place of Normandy which remained in the hands of the English, being delivered up, the conquest of that important province was finished in a twelvemonth by Charles, to the great joy of the inhabitants, and of his whole kingdom.<sup>60</sup>

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<sup>58</sup> Monstrelet, vol. iii. p. 21. Grafton, p. 643.

<sup>59</sup> Holing, p. 631.

<sup>60</sup> Grafton, p. 646.

A like rapid success attended the French arms in Guienne; though the inhabitants of that province were, from long custom, better inclined to the English government. Dunois was despatched thither, and met with no resistance in the field, and very little from the towns. Great improvements had been made during this age in the structure and management of artillery, and none in fortification; and the art of defence was by that means more unequal, than either before or since, to the art of attack. After all the small places about Bordeaux were reduced, that city agreed to

submit, if not relieved by a certain time; and as no one in England thought Seriously of these distant concerns, no relief appeared; the place surrendered; and Bayonne being taken soon after, this whole province, which had remained united to England since the accession of Henry II., was, after a period of three centuries, finally swallowed up in the French monarchy.

Though no peace or truce was concluded between France and England, the war was in a manner at an end. The English, torn in pieces by the civil dissensions which ensued, made but one feeble effort more for the recovery of Guienne, and Charles, occupied at home in regulating the government, and fencing against the intrigues of his factious son, Lewis the dauphin, scarcely ever attempted to invade them in their island, or to retaliate upon them, by availing himself of their intestine confusions.





## CHAPTER 21.

### HENRY VI.

A WEAK prince, seated on the throne of England, had never failed, how <sup>1450.</sup> gentle soever and innocent, to be infested with faction, discontent, rebellion, and evil commotions; and as the incapacity of Henry appeared every day in a fuller light, these dangerous consequences began, from past experience, to be universally and justly apprehended Men also of unquiet spirits, no longer employed in foreign wars, whence they were now excluded by the situation of the neighboring states, were the more likely to excite intestine, disorders, and by their emulation, rivalry, and animosities, to tear the bowels of their native country. But though these causes alone were sufficient to breed confusion, there concurred another circumstance of the most dangerous, nature: a pretender to the crown appeared: the tie itself of the weak prince who enjoyed the name of sovereignty, was disputed; and the English were now to pay the severe though late penalty of their turbulence under Richard II., and of their levity in violating, without any necessity or just reason, the lineal succession of their monarchs.

All the males of the house of Mortimer were extinct; but Anne, the sister of the last earl of Marche, having espoused the earl of Cambridge, beheaded in the reign of Henry V. had transmitted her latent, but not yet forgotten claim to be; on Richard, duke of York. This prince, thus descended by his mother from Philippa, only daughter of the duke of Clarence, second son of Edward III., stood plainly in the order of succession before the king, who derived his descent from the duke of Lancaster, third son of that monarch; and that claim could not, in many respects, have fallen into more dangerous hands than those of the duke of York. Richard was a man of valor and abilities, of a prudent conduct and mild disposition: he had enjoyed an opportunity of displaying these virtues in his government of France; and though recalled from that command by the intrigues and superior interest of the duke of Somerset, he had been sent to suppress a rebellion in Ireland; had succeeded much better in that enterprise than his rival in the defence of Normandy, and had even been

able to attach to his person and family the whole Irish nation, whom he was sent to subdue.<sup>1</sup> In the right of his father, he bore the rank of first prince of the blood; and by this station he gave a lustre to his title derived from the family of Mortimer, which, though of great nobility, was equalled by other families in the kingdom, and had been eclipsed by the royal descent of the house of Lancaster. He possessed an immense fortune from the union of so many successions, those of Cambridge and York on the one hand, with those of Mortimer on the other; which last inheritance had before been augmented by a union of the estates of Clarence and Ulster with the patrimonial possessions of the family of Marche. The alliances too of Richard, by his marrying the daughter of Ralph Nevil, earl of Westmoreland, had widely extended his interest among the nobility, and had procured him many connections in that formidable order.

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<sup>1</sup> Stowe, p. 387.

The family of Nevil was perhaps at this time the most potent, both from their opulent possessions and from the characters of the men, that has ever appeared in England. For, besides the earl of Westmoreland, and the lords Latimer, Fauconberg, and Abergavenny, the earls of Salisbury and Warwick were of that family, and were of themselves, on many accounts, the greatest noblemen in the kingdom. The earl of Salisbury, brother-in-law to the duke of York, was the eldest son by a second marriage of the earl of Westmoreland; and inherited by his wife, daughter and heir of Montacute, earl of Salisbury, killed before Orleans, the possessions and title of that great family. His eldest son, Richard, had married Anne, the daughter and heir of Beauchamp, earl of Warwick, who died governor of France; and by this alliance he enjoyed the possessions, and had acquired the title, of that other family, one of the most opulent, most ancient, and most illustrious in England. The personal qualities also of these two earls, especially of Warwick enhanced the splendor of their nobility, and increased then influence over the people. This latter nobleman commonly known, from the subsequent events, by the appellation of the “king-maker,” had distinguished himself by his gallantry in the field, by the hospitality of his table, by Ore magnificence, and still more by the

generosity, of his expense, and by the spirited and bold manner which attended him in all his actions. The undesigned frankness and openness of his character rendered his conquest over men's affections the more certain and infallible: his presents were regarded as sure testimonials of esteem and friendship; and his professions as the over-flowings of his genuine sentiments. No less than thirty thousand persons are said to have daily lived at his board In the different manors and castles which he possessed in England: the military men, allured by his munificence and hospitality, as well as by his bravery, were zealously attached to his interests: the people in general bore him an unlimited affection: his numerous retainers were more devoted to his will than to the prince or to the laws: and he was the greatest, as well as the last, of those mighty barons who formerly overawed the crown, and rendered the people incapable of any regular system of civil government.

But the duke of York, besides the family of Nevil, had many other partisans among the great nobility. Courtney, earl of Devonshire, descended from a very noble family of that name in France, was attached to his interests: Moubray, duke of Norfolk, had, from his hereditary hatred to the family of Lancaster, embraced the same party: and the discontents which universally prevailed among the people, rendered every combination of the great the more dangerous to the established government.

Though the people were never willing to grant the supplies necessary for keeping possession of the conquered provinces in France, they repined extremely at the loss of these boasted acquisitions; and fancied, because a sudden irruption could make conquests, that, without steady counsels and a uniform expense, it was possible to maintain them. The voluntary cession of Maine to the queen's uncle, had made them suspect treachery in the loss of Normandy and Guienne. They still considered Margaret as a French woman, and a latent enemy of the kingdom. And when they saw her father and all her relations active in promoting the success of the French, they could not be persuaded that she, who was all-powerful in the English council, would very zealously oppose them in their enterprises.

But the most fatal blow given to the popularity of the crown and to the interests of the house of Lancaster, was by the assassination of the

virtuous duke of Gloucester; whose character, had he been alive, would have intimidated the partisans of York; but whose memory, being extremely cherished by the people, served to throw an odium on all his murderers. By this crime the reigning family suffered a double prejudice it was deprived of its firmest support; and it was loaded with all the infamy of that imprudent and barbarous assassination.

As the duke of Suffolk was known to have had an active hand in the crime, he partook deeply of the hatred attending it; and the clamors which necessarily rose against him, as prime minister and declared favorite of the queen, were thereby augmented to a tenfold pitch, and became absolutely uncontrollable. The great nobility could ill brook to see a subject exalted above them; much more one who was only great-grandson to a merchant, and who was of a birth so much inferior to theirs. The people complained of his arbitrary measures; which were, in some degree, a necessary consequence of the irregular power then possessed by the prince, but which the least disaffection easily magnified into tyranny. The great acquisitions which he daily made were the object of envy; and as they were gained at the expense of the crown, which was itself reduced to poverty, they appeared on that account, to all indifferent persons, the more exceptionable and invidious.

The revenues of the crown, which had long been disproportioned to its power and dignity, had been extremely dilapidated during the minority of Henry;<sup>2</sup> both by the rapacity of the courtiers, which the king's uncles could not control, and by the necessary expenses of the French war, which had always been very ill supplied by the grants of parliament.

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<sup>2</sup>: Cotton, p. 609.

The royal demesnes were dissipated; and at the same time the king was loaded with a debt of three hundred and seventy-two thousand pounds, a sum so great, that the parliament could never think of discharging it. This unhappy situation forced the ministers upon many arbitrary measures: the household itself could not be supported without stretching to the utmost the right of purveyance, and rendering it a kind of universal robbery upon

the people: the public clamor rose high upon this occasion, and no one had the equity to make allowance for the necessity of the king's situation. Suffolk, once become odious, bore the blame of the whole; and every grievance, in every part of the administration, was universally imputed to his tyranny and injustice.

This nobleman, sensible of the public hatred under which he labored, and foreseeing an attack from the commons endeavored to overawe his enemies, by boldly presenting himself to the charge, and by insisting upon his own innocence and even upon his merits, and those of his family, in the public service. He rose in the house of peers; took notice of the clamors propagated against him; and complained that after serving the crown in thirty-four campaigns; after living abroad seventeen years, without once returning to his native country; after losing a father and three brothers in the wars with France; after being himself a prisoner, and purchasing his liberty by a great ransom; it should yet be suspected, that he had been debauched from his allegiance by that enemy whom he had ever opposed with such zeal and fortitude, and that he had betrayed his prince, who had rewarded his services by the highest honors and greatest offices that it was in his power to confer.<sup>3</sup> This speech did not answer the purpose intended. The commons, rather provoked at his challenge, opened their charge against him, and sent up to the peers an accusation of high treason, divided into several articles. They insisted, that he had persuaded the French king to invade England with an armed force, in order to depose the king, and to place on the throne his own son, John de la Pole, whom he intended to marry to Margaret, the only daughter of the late John, duke of Somerset, and to whom, he imagined, he would by that means acquire a title to the crown: that he had contributed to the release of the duke of Orleans, in hopes that that prince would assist King Charles in expelling the English from France, and recovering full possession of his kingdom: that he had afterwards encouraged that monarch to make open war on Normandy and Guienne, and had promoted his conquests by betraying the secrets of England, and obstructing the succors intended to be sent to those provinces; and that he had, without any powers or commission, promised by treaty to cede the province of Maine to Charles of Anjou, and had accordingly ceded it; which proved in the issue the chief cause of the loss of Normandy.<sup>4</sup>

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<sup>3</sup> Cotton, p. 641.

<sup>4</sup> Cotton, p. 642. Hall, fol. 157. Holing, p. 631. Grafton, p. 607

It is evident, from a review of these articles, that the commons adopted without inquiry all the popular clamors against the duke of Suffolk, and charged him with crimes of which none but the vulgar could seriously believe him guilty. Nothing can be more incredible, than that a nobleman, so little eminent by his birth and character, could think of acquiring the crown to his family, and of deposing Henry by foreign force, and, together with him, Margaret, his patron, a princess of so much spirit and penetration. Suffolk appealed to many noblemen in the house, who knew that he had intended to marry his son to one of the coheirs of the earl of Warwick, and was disappointed in his views only by the death of that lady: and he observed, that Margaret of Somerset could bring to her husband no title to the crown; because she herself was not so much as comprehended in the entail settled by act of parliament. It is easy to account for the loss of Normandy and Guienne, from the situation of affairs in the two kingdoms, without supposing any treachery in the English ministers; and it may safely be affirmed, that greater vigor was requisite to defend these provinces from the arms of Charles VII., than to conquer them at first from his predecessor. It could never be the interest of any English minister to betray and abandon such acquisitions; much less of one who was so well established in his master's favor, who enjoyed such high honors and ample possessions in his own country, who had nothing to dread but the effects of popular hatred and who could never think, without the most extreme reluctance, of becoming a fugitive and exile in a foreign land. The only article which carries any face of probability, is his engagement for the delivery of Maine to the queen's uncle: but Suffolk maintained, with great appearance of truth, that this measure was approved of by several at the council table; <sup>5</sup> and it seems hard to ascribe to it, as is done by the commons, the subsequent loss of Normandy and expulsion of the English. Normandy lay open on every side to the invasion of the French: Maine, an inland province, must soon after have fallen without any attack; and as the English possessed in other parts more fortresses than they could garrison

or provide for, it seemed no bad policy to contract their force, and to render the defence practicable, by reducing it within a narrower compass.

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<sup>5</sup> Cotton, p.643.

The commons were probably sensible, that this charge of treason against Suffolk would not bear a strict scrutiny; and they therefore, soon after, sent up against him a new charge of misdemeanors, which they also divided into several articles. They affirmed, among other imputations, that he had procured exorbitant grants from the crown, had embezzled the public money, had conferred offices on improper persons, had perverted justice by maintaining iniquitous causes, and had procured pardons for notorious offenders.<sup>6</sup> The articles are mostly general, but are not improbable; and as Suffolk seems to have been a bad man and a bad minister, it will not be rash in us to think that he was guilty, and that many of these articles could have been proved against him. The court was alarmed at the prosecution of a favorite minister, who lay under such a load of popular prejudices; and an expedient was fallen upon to save him from present ruin. The king summoned all the lords, spiritual and temporal, to his apartment: the prisoner was produced before them, and asked what he could say in his own defence: he denied the charge; but submitted to the king's mercy: Henry expressed himself not satisfied with regard to the first impeachment for treason; but in consideration of the second for misdemeanors, he declared that, by virtue of Suffolk's own submission, not by any judicial authority, he banished him the kingdom during five years. The lords remained silent; but as soon as they returned to their own house, they entered a protest, that this sentence should nowise infringe their privileges, and that, if Suffolk had insisted upon his right, and had not voluntarily submitted to the king's commands, he was entitled to a trial by his peers in parliament.

It was easy to see, that these irregular proceedings were meant to favor Suffolk, and that, as he still possessed the queen's confidence, he would, on the first favorable opportunity, be restored to his country, and be reinstated in his former power and credit. A captain of a vessel was therefore employed by his enemies to intercept him in his passage to

France: he was seized near Dover; his head struck off on the side of a long-boat; and his body thrown into the sea,<sup>7</sup> No inquiry was made after the actors and accomplices in this atrocious deed of violence.

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<sup>6</sup> Cotton, p. 643.

<sup>7</sup> Hall, fol. 158. Hist. Croyland, Contin. p. 525. Stowe, p. 388. Grafton, p. 610.

The duke of Somerset succeeded to Suffolk's power in the ministry, and credit with the queen; and as he was the person under whose government the French provinces had been lost, the public, who always judge by the event, soon made him equally the object of their animosity and hatred. The duke of York was absent in Ireland during all these transactions and however it might be suspected that his partisans had excited and supported the prosecution against Suffolk, no immediate ground of complaint could, on that account, lie against him. But there happened, soon after, an incident which roused the jealousy of the court, and discovered to them the extreme danger to which they were exposed from the pretensions of that popular prince.

The humors of the people, set afloat by the parliamentary impeachment, and by the fall of so great a favorite as Suffolk, broke out in various commotions, which were soon suppressed, but there arose one in Kent which was attended with more dangerous consequences. A man of low condition, one John Cade, a native of Ireland, who had been obliged to fly into France for crimes, observed, on his return to England, the discontents of the people; and he laid on them the foundation of projects which were at first crowned with surprising success. He took the name of John Mortimer; intending, as is supposed, to pass himself for a son of that Sir John Mortimer who had been sentenced to death by parliament, and executed, in the beginning of this reign, without any trial or evidence, merely upon an indictment of high treason given in against him.<sup>8</sup> On the first mention of that popular name, the common people of Kent, to the number of twenty thousand, flocked to Cade's standard; and he excited their zeal by publishing complaints against the numerous abuses in



government, and demanding a redress of grievances. The court, not yet fully sensible of the danger, sent a small force against the rioters, under the command of Sir Humphrey Stafford, who was defeated and slain in an action near Sevenoke;<sup>9</sup> and Cade, advancing with his followers towards London, encamped on Blackheath.

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<sup>8</sup> Stowe, p. 364. Cotton, p. 564. This author admires that such a piece of injustice should have been committed in peaceable times: he might have added, and by such virtuous princes as Bedford and Gloucester. But it is to be presumed that Mortimer was guilty; though his condemnation was highly irregular and illegal. The people had at this time a very feeble sense of law and a constitution; and power was very imperfectly restrained by these limits. When the proceedings of a parliament were so irregular it is easy to imagine that those of a king would be more so.

<sup>9</sup> Hall, fol. 159. Holing. p, 634.

Though elated by his victory, he still maintained the appearance of moderation; and sending to the court a plausible list of grievances,<sup>10</sup> he promised that, when these should be redressed, and when Lord Say, the treasurer, and Cromer, sheriff of Kent, should be punished for their malversations, he would immediately lay down his arms. The council, who observed that nobody was willing to fight against men so reasonable in their pretensions, carried the king, for present safety, to Kenilworth; and the city immediately opened its gates to Cade, who maintained, during some time, great order and discipline among his followers. He always led them into the fields during the night-time; and published severe edicts against plunder and violence of every kind: but being obliged, in order to gratify their malevolence against Say and Cromer, to put these men to death without a legal trial,<sup>11</sup> he found that, after the commission of this crime, he was no longer master of their riotous disposition, and that all his orders were neglected.<sup>12</sup> They broke into a rich house, which they plundered; and the citizens, alarmed at this act of violence, shut their gates against them; and being seconded by a detachment of soldiers, sent them by Lord Scales, governor of the Tower, they repulsed the rebels with great slaughter.<sup>13</sup> The Kentish men were so discouraged by the blow, that upon receiving a general pardon from the primate, then chancellor, they

retreated towards Rochester, and there dispersed. The pardon was soon after annulled, as extorted by violence: a price was set on Cade's head,<sup>14</sup> who was killed by one Iden, a gentleman of Sussex; and many of his followers were capitally punished for their rebellion.

It was imagined by the court, that the duke of York had secretly instigated Cade to this attempt, in order to try, by that experiment, the dispositions of the people towards his title and family:<sup>15</sup> and as the event had so far succeeded to his wish, the ruling party had greater reason than ever to apprehend the future consequences of his pretensions.

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<sup>10</sup> Stowe, p. 388, 389. Holing, p. 633.

<sup>11</sup> Grafton, p. 612.

<sup>12</sup> Hall, fol. 160.

<sup>13</sup> Hist. Croyland, Contin.p. 526.

<sup>14</sup> Cotton, p. 661.

At the same time they heard that he intended to return from Ireland; and fearing that he meant to bring an armed force along with him, they issued orders, in the king's name, for opposing him, and for debarring him entrance into England.<sup>16</sup> But the duke refuted his enemies by coming attended with no more than his ordinary retinue: the precautions of the ministers served only to show him their jealousy and malignity against him: he was sensible that his title, by being dangerous to the king, was also become dangerous to himself: he now saw the impossibility of remaining in his present situation, and the necessity of proceeding forward in support of his claim. His partisans, therefore, were instructed to maintain, in all companies, his right by succession, and by the established laws and constitution of the kingdom: these questions became every day more and more the subject of conversation: the minds of men were insensibly sharpened against each other by disputes, before they came to more dangerous extremities: and various topics were pleaded in support of the pretensions of each party.

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<sup>15</sup> Stowe, p, 394.

The partisans of the house of Lancaster maintained that, though the elevation of Henry IV. might at first be deemed somewhat irregular, and could not be justified by any of those principles on which that prince chose to rest his title, it was yet founded on general consent, was a national act, and was derived from the voluntary approbation of a free people, who, being loosened from their allegiance by the tyranny of the preceding government, were moved by gratitude, as well as by a sense of public interest, to intrust the sceptre into the hands of their deliverer: that, even if that establishment were allowed to be at first invalid, it had acquired solidity by time; the only principle which ultimately gives authority to government, and removes those scruples which the irregular steps attending almost all revolutions, naturally excite in the minds of the people: that the right of succession was a rule admitted only for general good, and for the maintenance of public order; and could never be pleaded to the overthrow of national tranquillity, and the subversion of regular establishments; that the principles of liberty, no less than the maxims of internal peace, were injured by these pretensions of the house of York; and if so many reiterated acts of the legislature, by which the crown was entailed on the present family, were now invalidated, the English must be considered not as a free people, who could dispose of their own government, but as a troop of slaves, who were implicitly transmitted by succession from one master to another that the nation was bound to allegiance under the house of Lancaster by moral no less than by political duty; and were they to infringe those numerous oaths of fealty which they had sworn to Henry and his predecessors, they would thenceforth be thrown loose from all principles, and it would be found difficult ever after to fix and restrain them: that the duke of York himself had frequently done homage to the king as his lawful sovereign, and had thereby, in the most solemn manner, made an indirect renunciation of those claims with which he now dared to disturb the tranquillity of the public: that even though the violation of the rights of blood, made on the deposition of Richard, was perhaps rash and imprudent, it was too late to remedy the mischief; the

danger of a disputed succession could no longer be obviated; the people, accustomed to a government which, in the hands of the late king, had been so glorious, and in that of his predecessor, so prudent and salutary, would still ascribe a right to it; by causing multiplied disorders, and by shedding an inundation of blood, the advantage would only be obtained of exchanging one pretender for another; and the house of York itself, if established on the throne, would, on the first opportunity, be exposed to those revolutions, which the giddy spirit excited in the people gave so much reason to apprehend: and that, though the present king enjoyed not the shining talents which had appeared in his father and grandfather, he might still have a son who should be endowed with them; he is himself eminent for the most harmless and inoffensive manners; and if active princes were dethroned on pretence of tyranny, and indolent ones on the plea of incapacity, there would thenceforth remain in the constitution no established rule of obedience to any sovereign.

Those strong topics in favor of the house of Lancaster, were opposed by arguments no less convincing on the side of the house of York. The partisans of this latter family asserted, that the maintenance of order in the succession of princes, far from doing injury to the people, or invalidating their fundamental title to good government, was established only for the purposes of government, and served to prevent those numberless confusions which must ensue, if no rule were followed but the uncertain and disputed views of present convenience and advantage: that the same maxims which insured public peace, were also salutary to national liberty the privileges of the people could only be maintained by the observance of laws; and if no account were made of the rights of the sovereign, it could less be expected that any regard would be paid to the property and freedom of the subject: that it was never too late to correct any pernicious precedent; an unjust establishment, the longer it stood, acquired the greater sanction and validity; it could, with more appearance of reason, be pleaded as an authority for a like injustice; and the maintenance of it, instead of favoring public tranquillity, tended to disjoint every principle by which human society was supported: that usurpers would be happy, if their present possession of power, or their continuance for a few years, could convert them into legal princes; but nothing would be more miserable than the people, if all restraints on violence and

ambition were thus removed, and a full scope given to the attempts of every turbulent innovator: that time indeed might bestow solidity on a government whose first foundations were the most infirm; but it required both a long course of time to produce this effect, and the total extinction of those claimants whose title was built on the original principles of the constitution: that the deposition of Richard II., and the advancement of Henry IV., were not deliberate national acts, but the result of the levity and violence of the people, and proceeded from those very defects in human nature which the establishment of political society, and of an order in succession, was calculated to prevent: that the subsequent entails of the crown were a continuance of the same violence and usurpation; they were not ratified by the legislature, since the consent of the rightful king was still wanting; and the acquiescence, first of the family of Mortimer, then of the family of York, proceeded from present necessity, and implied no renunciation of their pretensions that the restoration of the true order of succession could not be considered as a change which familiarized the people to devolutions; but as the correction of a former abuse, which had itself encouraged the giddy spirit of innovation, rebellion, and disobedience: and that, as the original title of Lancaster stood only, in the person of Henry IV., on present convenience, even this principle, unjustifiable as it was when not supported by laws and warranted by the constitution, had now entirely gone over to the other side; nor was there any comparison between a prince utterly unable to sway the sceptre, and blindly governed by corrupt ministers, or by an imperious queen, engaged in foreign and hostile interests and a prince of mature years, of approved wisdom and experience, a native of England, the lineal heir of the crown, who, by his restoration, would replace every thing on ancient foundations.

So many plausible arguments could be urged on both sides of this interesting question, that the people were extremely divided in their sentiments; and though the noblemen of greatest power and influence seem to have espoused the party of York, the opposite cause had the advantage of being supported by the present laws, and by the immediate possession of royal authority. There were also many great noblemen in the Lancastrian party, who balanced the power of their antagonists, and kept the nation in suspense between them. The earl of Northumberland adhered to the present government: the earl of Westmoreland, in spite of

his connections with the duke of York, and with the family of Nevil, of which he was the head, was brought over to the same party; and the whole north of England, the most warlike part of the kingdom, was, by means of these two potent noblemen, warmly engaged in the interests of Lancaster. Edmund Beaufort, duke of Somerset, and his brother Henry, were great supports of that cause; as were also Henry Holland duke of Exeter, Stafford, duke of Buckingham, the earl of Shrewsbury, the Lords Clifford, Dudley, Scales, Audley, and other noblemen.

While the kingdom was in this situation, it might naturally be expected that so many turbulent barons, possessed of so much independent authority, would immediately have flown to arms, and have decided the quarrel, after their usual manner, by war and battle, under the standards of the contending princes. But there still were many causes which retarded these desperate extremities, and made a long train of faction, intrigue, and cabal, precede the military operations. By the gradual progress of arts in England, as well as in other parts of Europe, the people were now become of some importance; laws were beginning to be respected by them; and it was requisite, by various pretences, previously to reconcile their minds to the overthrow of such an ancient establishment as that of the house of Lancaster, ere their concurrence could reasonably be expected. The duke of York himself, the new claimant, was of a moderate and cautious character, an enemy to violence and disposed to trust rather to time and policy, than to sanguinary measures, for the success of his pretensions. The very imbecility itself of Henry tended to keep the factions in suspense, and make them stand long in awe of each other: it rendered the Lancastrian party unable to strike any violent blow against their enemies; it encouraged the Yorkists to hope that, after banishing the king's ministers, and getting possession of his person, they might gradually undermine his authority, and be able, without the perilous experiment of a civil war, to change the succession by parliamentary and legal authority.

The dispositions which appeared in a parliament assembled soon after <sup>1451</sup>. the arrival of the duke of York from Ireland, favored these expectations of his partisans, and both discovered an unusual boldness in the commons, and were a proof of the general discontents which prevailed against the administration. The lower house, without any previous inquiry or

examination, without alleging any other ground of complaint than common fame, ventured to present a petition against the duke of Somerset, the duchess of Suffolk, the bishop of Chester, Sir John Sutton, Lord Dudley, and several others of inferior rank; and they prayed the king to remove them forever from his person and councils, and to prohibit them from approaching within twelve miles of the court.<sup>17</sup> This was a violent attack, somewhat arbitrary, and supported but by few precedents, against the ministry; yet the king durst not openly oppose it: he replied that, except the lords, he would banish all the others from court during a year, unless he should have occasion for their service in suppressing any rebellion. At the same time he rejected a bill, which had passed both houses, for attainting the late duke of Suffolk, and which, in several of its clauses, discovered a very general prejudice against the measures of the court.

The duke of York, trusting to these symptoms, raised an army of ten <sup>1452</sup> thousand men, with which he marched towards London, demanding a reformation of the government, and the removal of the duke of Somerset from all power and authority.<sup>18</sup> He unexpectedly found the gates of the city shut against him; and on his retreating into Kent, he was followed by the king at the head of a superior army; in which several of Richard's friends, particularly Salisbury and Warwick appeared; probably with a view of mediating between the parties, and of seconding, on occasion, the duke of York's pretensions.

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<sup>16</sup> Parl. Hist. vol. ii. p. 263.

<sup>17</sup> Stowe, p. 394.

A parley ensued; Richard still insisted upon the removal of Somerset, and his submitting to a trial in parliament: the court pretended to comply with his demand; and that nobleman was put in arrest: the duke of York was then persuaded to pay his respects to the king in his tent; and, on repeating his charge against the duke of Somerset, he was surprised to see that minister step from behind the curtain, and offer to maintain his innocence. Richard now found that he had been betrayed; that he was in

the hands of his enemies; and that it was become necessary, for his own safety, to lower his pretensions. No violence, however, was attempted against him: the nation was not in a disposition to bear the destruction of so popular a prince: he had many friends in Henry's camp; and his son, who was not in the power of the court, might still be able to revenge his death on all his enemies: he was therefore dismissed; and he retired to his seat of Wigmore, on the borders of Wales.<sup>19</sup>

While the duke of York lived in this retreat, there happened an incident which, by increasing the public discontents, proved favorable to his pretensions. Several Gascon lords, affectionate to the English government, and disgusted at the new dominion of the French, came to London, and offered to return to their allegiance under Henry.<sup>20</sup>

The earl of Shrewsbury, with a body of eight thousand men, was sent <sup>1453</sup> over to support them. Bordeaux opened its gates to him: he made himself master of Fronsac, Castillon, and some other places: affairs began to wear a favorable aspect; but as Charles hastened to resist this dangerous invasion, the fortunes of the English were soon reversed: Shrewsbury, a venerable warrior, above fourscore years of age, fell in battle; his conquests were lost; Bordeaux was again obliged to submit to the French king;<sup>21</sup> and all hopes of recovering the province of Gascony were forever extinguished.

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<sup>18</sup> Grafton, p. 620.

<sup>19</sup> Holing. p. 640.

<sup>20</sup> Polyd. Virg. p. 501. Grafton, p. 623.

Though the English might deem themselves happy to be fairly rid of distant dominions, which were of no use to them, and which they never could defend against the growing power of France, they expressed great discontent on the occasion: and they threw all the blame on the ministry, who had not been able to effect impossibilities. While they were in this disposition, the queen's delivery of a son, who received the name of Edward, was deemed no joyful incident; and as it removed all hopes of the peaceable succession of the duke of York, who was otherwise, in the right



of his father, and by the laws enacted since the accession of the house of Lancaster, next heir to the crown, it had rather a tendency to inflame the quarrel between the parties. But the duke was incapable of violent counsels; and even when no visible obstacle lay between him and the throne, he was prevented by his own scruples from mounting it.

Henry, always unfit to exercise the government, fell at this time into a <sup>1454</sup> distemper, which so far increased his natural imbecility, that it rendered him incapable of maintaining even the appearance of royalty. The queen and the council, destitute of this support, found themselves unable to resist the York party; and they were obliged to yield to the torrent. They sent Somerset to the Tower, and appointed Richard lieutenant of the kingdom, with powers to open and hold a session of parliament.<sup>22</sup>

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<sup>21</sup> Rymer, vol. xi. p. 344.

That assembly, also, taking into consideration the state of the kingdom, created him protector during pleasure. Men who thus intrusted sovereign authority to one that had such evident and strong pretensions to the crown, were not surely averse to his taking immediate and full possession of it; yet the duke, instead of pushing them to make further concessions, appeared somewhat timid and irresolute even in receiving the power which was tendered to him. He desired that it might be recorded in parliament, that this authority was conferred on him from their own free motion, without any application on his part: he expressed his hopes that they would assist him in the exercise of it: he made it a condition of his acceptance, that the other lords who were appointed to be of his council, should also accept of the trust, and should exercise it; and he required, that all the powers of his office should be specified and defined by act of parliament. This moderation of Richard was certainly very unusual and very amiable; yet was it attended with bad consequences in the present juncture; and by giving time to the animosities of faction to rise and ferment, it proved the source of all those furious wars and commotions which ensued.

The enemies of the duke of York soon found it in their power to make advantage of his excessive caution. Henry being so far recovered from his distemper, as to carry the appearance of exercising the royal power, they moved him to resume his authority, to annul the protectorship of the duke to release Somerset from the Tower,<sup>23</sup> and to commit the administration into the hands of that nobleman.

Richard, sensible of the dangers which might attend his former <sup>1455</sup>. acceptance of the parliamentary commission, should he submit to the annulling of it, levied an army; but still without advancing any pretensions to the crown. He complained only of the king's ministers, and demanded a reformation of the government. A battle was fought at St. Albans, in which the Yorkists were superior, and, without suffering any material loss, slew about five thousand of their enemies; among whom were the duke of Somerset, the earl of Northumberland, the earl of Stafford, eldest son of the duke of Buckingham, Lord Clifford, and many other persons of distinction.<sup>24</sup> The king himself fell into the hands of the duke of York, who treated him with great respect and tenderness: he was only obliged (which he regarded as no hardship) to commit the whole authority of the crown into the hands of his rival.

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<sup>22</sup> Rymer, vol. xi. p. 361. Holing, p. 642. Grafton, p. 626.

<sup>23</sup> Stowe, p. 309. Holing, p. 643.

This was the first blood spilt in that fatal quarrel which was not finished in less than a course of thirty years, which was signalized by twelve pitched battles, which opened a scene of extraordinary fierceness and cruelty, is computed to have cost the lives of eighty princes of the blood, and almost entirely annihilated the ancient nobility of England. The strong attachments, which, at that time, men of the same kindred bore to each other, and the vindictive spirit, which was considered as a point of honor, rendered the great families implacable in their resentments, and every moment widened the breach between the parties. Yet affairs did not immediately proceed to the last extremities; the nation was kept some time in suspense; the vigor and spirit of Queen Margaret, supporting her

small power, still proved a balance to the great authority of Richard, which was checked by his irresolute temper. A parliament, which was soon after assembled, plainly discovered, by the contrariety of their proceedings, the contrariety of the motives by which they were actuated. They granted the Yorkists a general indemnity, and they restored the protectorship to the duke, who, in accepting it, still persevered in all his former precautions; but at the same time they renewed their oaths of fealty to Henry, and fixed the continuance of the protectorship to the majority of his son Edward, who was vested with the usual dignities of prince of Wales, duke of Cornwall, and earl of Chester. The only decisive act passed in this parliament, was a full resumption of all the grants which had been made since the death of Henry V., and which had reduced the crown to great poverty.

It was not found difficult to wrest power from hands so little tenacious <sup>1456</sup>. as those of the duke of York. Margaret, availing herself of that prince's absence, produced her husband before the house of lords; and as his state of health permitted him at that time to act his part with some tolerable decency, he declared his intentions of resuming the government, and of putting an end to Richard's authority. This measure, being unexpected, was not opposed by the contrary party; the house of lords, who were many of them disgusted with the late act of resumption, assented to Henry's proposal; and the king was declared to be reinstated in sovereign authority. Even the duke of York acquiesced in this irregular act of the peers, and no disturbance ensued. But that prince's claim to the crown was too well known, and the steps which he had taken to promote it were too evident ever to allow sincere trust and confidence to have place between the parties.

The court retired to Coventry, and invited the duke of York and the <sup>1457</sup>. earls of Salisbury and Warwick to attend the king's person. When they were on the road, they received intelligence that designs were formed against their liberties and lives. They immediately separated themselves; Richard withdrew to his castle of Wigmore; Salisbury to Middleham, in Yorkshire, and Warwick to his government of Calais, which had been committed to him after the battle of St. Albans, and which, as it gave him the command of the only regular military force maintained by England,

was of the utmost importance in the present juncture. Still, men of peaceable dispositions, and among the rest Bouchier, archbishop of Canterbury, thought it not too late to interpose with their good offices, in order to prevent that effusion of blood, with which the kingdom was threatened; and the awe in which each party stood of the other, rendered the mediation for some time successful. It was agreed that all the great leaders on both sides should meet in London, and be solemnly reconciled.

The duke of York and his partisans came thither with numerous <sup>1458</sup>. retinues, and took up their quarters near each other for mutual security. The leaders of the Lancastrian party used the same precaution. The mayor, at the head of five thousand men, kept a strict watch, night and day; and was extremely vigilant in maintaining peace between them.<sup>25</sup>

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<sup>24</sup> Fabian Chron. anno 1458. The author says that some lords brought nine hundred retainers, some six hundred, none less than four hundred. See also Grafton, p. 633.

Terms were adjusted, which removed not the ground of difference. An outward reconciliation only was procured; and in order to notify this accord to the whole people, a solemn procession to St. Paul's was appointed, where the duke of York led Queen Margaret, and a leader of one party marched hand in hand with a leader of the opposite. The less real cordiality prevailed, the more were the exterior demonstrations of amity redoubled. But it was evident, that a contest for a crown could not thus be peaceably accommodated; that each party watched only for an opportunity of subverting the other; and that much blood must yet be spilt, ere the nation could be restored to perfect tranquillity, or enjoy a settled and established government.

Even the smallest accident, without any formed design, was sufficient, <sup>1459</sup>. in the present disposition of men's minds, to dissolve the seeming harmony between the parties; and had the intentions of the leaders been ever so amicable they would have found it difficult to restrain the animosity of their followers. One of the king's retinue insulted one of the earl of Warwick's: their companions on both sides took part in the quarrel: a fierce combat ensued: the earl apprehended his life to be aimed at: he

fled to his government of Calais; and both parties, in every county of England, openly made preparations for deciding the contest by war and arms.

The earl of Salisbury, marching to join the duke of York, was overtaken at Blore Heath, on the borders of Staffordshire, by Lord Audley, who commanded much superior forces; and a small rivulet with steep banks ran between the armies. Salisbury here supplied his defect in numbers by stratagem, a refinement of which there occur few instances in the English civil wars, where a headlong courage, more than military conduct, is commonly to be remarked. He feigned a retreat, and allured Audley to follow him with precipitation; but when the van of the royal army had passed the brook, Salisbury suddenly turned upon them; and partly by the surprise, partly by the division, of the enemies' forces, put this body to rout: the example of flight was followed by the rest of the army: and Salisbury, obtaining a complete victory, reached the general rendezvous of the Yorkists at Ludlow.<sup>26</sup>

The earl of Warwick brought over to this rendezvous a choice body of veterans from Calais, on whom, it was thought the fortune of the war would much depend; but this reënforcement occasioned, in the issue, the immediate ruin of the duke of York's party. When the royal army approached, and a general action was every hour expected, Sir Andrew Trollop, who commanded the veterans, deserted to the king in the night-time; and the Yorkists were so dismayed at this instance of treachery, which made every man suspicious of his fellow, that they separated next day without striking a stroke:<sup>27</sup> the duke fled to Ireland: the earl of Warwick, attended by many of the other leaders, escaped to Calais; where his great popularity among all orders of men, particularly among the military, soon drew to him partisans, and rendered his power very formidable. The friends of the house of York in England kept themselves every where in readiness to rise on the first summons from their leaders.

After meeting with some successes at sea, Warwick landed in Kent, <sup>1460.</sup> with the earl of Salisbury, and the earl of Marche, eldest son of the duke of York; and being met by the primate, by Lord Cobham, and other persons of distinction, he marched, amidst the acclamations of the people, to

London. The city immediately opened its gates to him; and his troops increasing on every day's march, he soon found himself in a condition to face the royal army, which hastened from Coventry to attack him. The battle was fought at Northampton; and was soon decided against the royalists by the infidelity of Lord Grey of Ruthin, who, commanding Henry's van, deserted to the enemy during the heat of action, and spread a consternation through the troops. The duke of Buckingham, the earl of Shrewsbury, the Lords Beaumont and Egremont, and Sir William Lucie were killed in the action or pursuit: the slaughter fell chiefly on the gentry and nobility; the common people were spared by orders of the earls of Warwick and Marche.<sup>28</sup>

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<sup>25</sup> ..... Holingshed, p. 649. Grafton, p. 936.

<sup>26</sup> ..... Holingshed, p. 650. Grafton, p. 537

<sup>27</sup> ..... Stowe, p. 409.

Henry himself, that empty shadow of a king, was again taken prisoner; and as the innocence and simplicity of his manners, which bore the appearance of sanctity, had procured him the tender regard of the people,<sup>29</sup> the earl of Warwick and the other leaders took care to distinguish themselves by their respectful demeanor towards him.

A parliament was summoned in the king's name, and met at Westminster; where the duke soon after appeared from Ireland. This prince had never hitherto advanced openly any claim to the crown: he had only complained of ill ministers, and demanded a redress of grievances; and even in the present crisis, when the parliament was surrounded by his victorious army, he showed such a regard to law and liberty, as is unusual during the prevalence of a party in any civil dissensions; and was still less to be expected in those violent and licentious times. He advanced towards the throne; and being met by the archbishop of Canterbury, who asked him, whether he had yet paid his respects to the king, he replied, that he knew of none to whom he owed that title. He then stood near the throne,<sup>30</sup> and addressing himself to the house of peers, he gave them a deduction of his title by descent, mentioned the cruelties by which the house of

Lancaster had paved their way to sovereign power, insisted on the calamities which had attended the government of Henry, exhorted them to return into the right path, by doing justice to the lineal successor, and thus pleaded his cause before them as his natural and legal judges.<sup>31</sup> This cool and moderate manner of demanding a crown intimidated his friends and encouraged his enemies: the lords remained in suspense;<sup>32</sup> and no one ventured to utter a word on the occasion.

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<sup>28</sup> Hall, fol. 169. Grafton, p. 195.

<sup>29</sup> Holingshed, p. 650

<sup>30</sup> Cotton, p. 665. Grafton, p. 643.

<sup>31</sup> Holingshed, p. 657. Grafton, p. 645.

Richard, who had probably expected that the peers would have invited him to place himself on the throne, was much disappointed at their silence; but desiring them to reflect on what he had proposed to them, he departed the house. The peers took the matter into consideration, with as much tranquillity as if it had been a common subject of debate: they desired the assistance of some considerable members among the commons in their deliberations: they heard in several successive days, the reasons alleged for the duke of York: they even ventured to propose objections to his claim founded on former entails of the crown, and on the oaths of fealty sworn to the house of Lancaster:<sup>33</sup> they also observed that as Richard had all along borne the arms of York, not those of Clarence, he could not claim as successor to the latter family: and after receiving answers to these objections, derived from the violence and power by which the house of Lancaster supported their present possession of the crown, they proceeded to give a decision. Their sentence was calculated, as far as possible, to please both parties: they declared the title of the duke of York to be certain and indefeasible; but in consideration that Henry had enjoyed the crown, without dispute or controversy, during the course of thirty-eight years, they determined that he should continue to possess the title and dignity during the remainder of his life; that the administration of the government, meanwhile, should remain with Richard; that he should be

acknowledged the true and lawful heir of the monarchy; that every one should swear to maintain his succession, and it should be treason to attempt his life; and that all former settlements of the crown, in this and the two last reigns, should be abrogated and rescinded.<sup>32</sup> The duke acquiesced in this decision: Henry himself, being a prisoner, could not oppose it: even if he had enjoyed his liberty, he would not probably have felt any violent reluctance against it: and the act thus passed with the unanimous consent of the whole legislative body. Though the mildness of this compromise is chiefly to be ascribed to the moderation of the duke of York, it is impossible not to observe in those transactions visible marks of a higher regard to law, and of a more fixed authority enjoyed by parliament, than has appeared in any former period of English history.

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<sup>32</sup> Cotton, p. 666.

<sup>33</sup> Cotton, p. 666. Grafton, p. 647.

It is probable that the duke, without employing either menaces or violence, could have obtained from the commons a settlement more consistent and uniform: but as many, if not all the members of the upper house, had received grants, concession, or dignities, during the last sixty years, when the house of Lancaster was possessed of the government, they were afraid of invalidating their own titles by too sudden and violent an overthrow of that family; and in thus temporizing between the parties, they fixed the throne on a basis upon which it could not possibly stand. The duke, apprehending his chief danger to arise from the genius and spirit of Queen Margaret sought a pretence for banishing her the kingdom: he sent her, in the king's name, a summons to come immediately to London; intending, in case of her disobedience, to proceed to extremities against her. But the queen needed not this menace to excite her activity in defending the rights of her family. After the defeat at Northampton, she had fled with her infant son to Durham, thence to Scotland; but soon returning, she applied to the northern barons, and employed every motive to procure their assistance. Her affability, insinuation, and address,—qualities in which she excelled,—her caresses, her promises, wrought a powerful effect on every one who



approached her: the admiration of her great qualities was succeeded by compassion towards her helpless condition: the nobility of that quarter, who regarded themselves as the most warlike in the kingdom, were moved by indignation to find the southern barons pretend to dispose of the crown and settle the government. And that they might allure the people to their standard, they promised them the spoils of all the provinces on the other side of the Trent. By these means, the queen had collected an army twenty thousand strong, with a celerity which was neither expected by her friends nor apprehended by her enemies.

The duke of York, informed of her appearance in the north, hastened thither with a body of five thousand men, to suppress, as he imagined, the beginnings of an insurrection; when, on his arrival at Wakefield, he found himself so much outnumbered by the enemy. He threw himself into Sandal Castle, which was situated in the neighborhood; and he was advised by the earl of Salisbury, and other prudent counsellors, to remain in that fortress till his son, the earl of Marche, who was levying forces in the borders of Wales, could advance to his assistance.<sup>35</sup> But the duke, though deficient in political courage, possessed personal bravery in an eminent degree; and notwithstanding his wisdom and experience, he thought that he should be forever disgraced, if, by taking shelter behind walls, he should for a moment resign the victory to a woman.

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<sup>34</sup> Stowe, p. 412.

He descended into the plain, and offered battle to the enemy, which was instantly accepted. The great inequality of numbers was sufficient alone to decide the victory; but the queen, by sending a detachment, who fell on the back of the duke's army, rendered her advantage still more certain and undisputed. The duke himself was killed in the action; and as his body was found among the slain, the head was cut off by Margaret's orders, and fixed on the gates of York, with a paper crown upon it, in derision of his pretended title. His son, the earl of Rutland, a youth of seventeen, was brought to Lord Clifford; and that barbarian, in revenge of his father's death, who had perished in the battle of St. Albans, murdered in cool blood, and with his own hands, this innocent prince, whose exterior figure,

as well as other accomplishments, are represented by historians as extremely amiable. The earl of Salisbury was wounded and taken prisoner, and immediately beheaded, with several other persons of distinction, by martial law at Pomfret.<sup>36</sup> There fell near three thousand Yorkists in this battle: the duke himself was greatly and justly lamented by his own party; a prince who merited a better fate, and whose errors in conduct proceeded entirely from such qualities as render him the more an object of esteem and affection. He perished in the fiftieth year of his age, and left three sons, Edward, George, and Richard, with three daughters, Anne, Elizabeth, and Margaret.

The queen, after this important victory, divided her army. She sent the <sup>1461</sup> smaller division, under Jasper Tudor, earl of Pembroke, half brother to the king, against Edward the new duke of York. She herself marched with the larger division towards London, where the earl of Warwick had been left with the command of the Yorkists. Pembroke was defeated by Edward at Mortimer's Cross, in Herefordshire, with the loss of near four thousand men: his army was dispersed; he himself escaped by flight; but his father, Sir Owen Tudor, was taken prisoner, and immediately beheaded by Edward's orders. This barbarous practice, being once begun, was continued by both parties, from a spirit of revenge, which covered itself under the pretence of retaliation.<sup>37</sup>

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<sup>35</sup> Poivd. Virg. p 510.

<sup>36</sup> Holingshed, p. 660. Grafton, p. 650.

Margaret compensated this defeat by a victory which she obtained over the earl of Warwick. That nobleman on the approach of the Lancastrians, led out his army, reënforced by a strong body of the Londoners, who were affectionate to his cause; and he gave battle to the queen at St. Albans. While the armies were warmly engaged, Lovelace, who commanded a considerable body of the Yorkists, withdrew from the combat; and this treacherous conduct, of which there are many instances in those civil wars, decided the victory in favor of the queen. About two thousand three hundred of the vanquished perished in the battle and pursuit; and the

person of the king fell again into the hands of his own party. This weak prince was sure to be almost equally a prisoner whichever faction had the keeping of him; and scarce any more decorum was observed by one than by the other, in their method of treating him. Lord Bonville, to whose care he had been intrusted by the Yorkists, remained with him after the defeat, on assurances of pardon given him by Henry: but Margaret, regardless of her husband's promise, immediately ordered the head of that nobleman to be struck off by the executioner.<sup>38</sup> Sir Thomas Kiriel, a brave warrior, who had signalized himself in the French wars, was treated in the same manner.

The queen made no great advantage of this victory: young Edward advanced upon her from the other side; and collecting the remains of Warwick's army, was soon in a condition of giving her battle with superior forces. She was sensible of her danger, while she lay between the enemy and the city of London; and she found it necessary to retreat with her army to the north.<sup>39</sup>

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<sup>37</sup> Holingshed, p. 660.

<sup>38</sup> Grafton, p. 652.

Edward entered the capital amidst the acclamations of the citizens, and immediately opened a new scene to his party. This prince, in the bloom of youth, remarkable for the beauty of this person, for his bravery, his activity, his affability, and every popular quality, found himself so much possessed of public favor, that, elated with the spirit natural to his age, he resolved no longer to confine himself within those narrow limits which his father had prescribed to himself, and which had been found by experience so prejudicial to his cause. He determined to assume the name and dignity of king; to insist openly on his claim; and thenceforth to treat the opposite party as traitors and rebels to his lawful authority. But as a national consent, or the appearance of it, still seemed, notwithstanding his plausible title, requisite to precede this bold measure, and as the assembling of a parliament might occasion too many delays, and be attended with other inconveniences, he ventured to proceed in a less

regular manner, and to put it out of the power of his enemies to throw obstacles in the way of his elevation. His army was ordered to assemble in St. John's Fields; great numbers of people surrounded them; an harangue was pronounced to this mixed multitude, setting forth the title of Edward, and inveighing against the tyranny and usurpation of the rival family; and the people were then asked whether they would have Henry of Lancaster for king. They unanimously exclaimed against the proposal. It was then demanded whether they would accept of Edward, eldest son of the late duke of York. They expressed their assent by loud and joyful acclamations.<sup>40</sup> A great number of bishops, lords, magistrates, and other persons of distinction were next assembled at Baynard's Castle, who ratified the popular election; and the new king was on the subsequent day proclaimed in London, by the title of Edward IV.<sup>41</sup>

In this manner ended the reign of Henry VI., a monarch, who, while in his cradle, had been proclaimed king both of France and England, and who began his life with the most splendid prospects that any prince in Europe had ever enjoyed. The revolution was unhappy for his people, as it was the source of civil wars; but was almost entirely indifferent to Henry himself, who was utterly incapable of exercising his authority, and who, provided he personally met with good usage, was equally easy, as he was equally enslaved, in the hands of his enemies and of his friends. His weakness and his disputed title were the chief causes of the public calamities: but whether his queen and his ministers were not also guilty of some great abuses of power, it is not easy for us at this distance of time to determine: there remain no proofs on record of any considerable violation of the laws, except in the assassination of the duke of Gloucester, which was a private crime, formed no precedent, and was but too much of a piece with the usual ferocity and cruelty of the times.

The most remarkable law which passed in this reign, was that for the due election of members of parliament in counties. After the fall of the feudal system, the distinction of tenures was in some measure lost; and every freeholder, as well those who held of mesne lords, as the immediate tenants of the crown, were by degrees admitted to give their votes at elections. This innovation (for such it may probably be esteemed) was

indirectly confirmed by a law of Henry IV.<sup>42</sup> which gave right to such a multitude of electors, as was the occasion of great disorder.

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<sup>39</sup> Stowe, p. 415. Holingshed, p. 661.

<sup>40</sup> Grafton, p. 653.

<sup>41</sup> Statutes at large, 7 Henry IV. ca. 15.

In the eighth and tenth of this king, therefore, laws were enacted, limiting the electors to such as possessed forty shillings a year in land, free from all burdens within the county.<sup>43</sup> This sum was equivalent to near twenty pounds a year of our present money, and it were to be wished, that the spirit, as well as letter, of this law had been maintained.

The preamble of the statute is remarkable: "Whereas the elections of knights have of late, in many counties of England, been made by outrageous and excessive numbers of people, many of them of small substance and value, yet pretending to a right equal to the best knights and esquires; whereby manslaughters, riots, batteries, and divisions among the gentlemen and other people of the same counties, shall very likely rise and be, unless due remedy be provided in this behalf, etc." We may learn from these expressions, what an important matter the election of a member of parliament was now become in England: that assembly was beginning in this period to assume great authority: the commons had it much in their power to enforce the execution of the laws; and if they failed of success in this particular, it proceeded less from any exorbitant power of the crown, than from the licentious spirit of the aristocracy, and perhaps from the rude education of the age, and their own ignorance of the advantages resulting from a regular administration of justice.

When the duke of York, the earls of Salisbury and Warwick, fled the kingdom upon the desertion of their troops, a parliament was summoned at Coventry in 1460, by which they were all attainted. This parliament seems to have been very irregularly constituted, and scarcely deserves the name; insomuch, that an act passed in it, "that all such knights of any county, as were returned by virtue of the king's letters, without any other election, should be valid; and that no sheriff should, for returning them,

incur the penalty of the statute of Henry IV.<sup>44</sup> All the acts of that parliament were afterwards reversed; “because it was unlawfully summoned, and the knights and barons not duly chosen.”<sup>45</sup>

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<sup>42</sup> Statutes at large, 8 Henry VI. cap. 7. 10 Henry VI. cap. 2.

<sup>43</sup> Cotton, p. 664.

<sup>44</sup> Statutes at large, 39 Henry VI. cap. 1

The parliaments in this reign, instead of relaxing their vigilance against the usurpations of the court of Rome, endeavored to enforce the former statutes enacted for that purpose. The commons petitioned, that no foreigner should be capable of any church preferment, and that the patron might be allowed to present anew upon the non-residence of any incumbent:<sup>46</sup> but the king eluded these petitions. Pope Martin wrote him a severe letter against the statute of provisors; which he calls an abominable law, that would infallibly damn every one who observed it.<sup>47</sup> The cardinal of Winchester was legate; and as he was also a kind of prime minister, and immensely rich from the profits of his clerical dignities, the parliament became jealous lest he should extend the papal power; and they protested, that the cardinal should absent himself in all affairs and councils of the king, whenever the pope or see of Rome was touched upon.<sup>48</sup>

Permission was given by parliament to export corn when it was at low prices; wheat at six shillings and eightpence a quarter, money of that age; barley at three shillings and fourpence.<sup>49</sup> It appears from these prices, that corn still remained at near half its present value; though other commodities were much cheaper. The inland commerce of corn was also opened in the eighteenth of the king, by allowing any collector of the customs to grant a license of carrying it from one county to another.<sup>50</sup> The same year a kind of navigation act was proposed with regard to all places within the Straits; but the king rejected it.<sup>51</sup>

The first instance of debt contracted upon parliamentary security occurs in this reign.<sup>52</sup> The commencement of this pernicious practice deserves to be noted; a practice the more likely to become pernicious, the

more a nation advances in opulence and credit. The ruinous effects of it are now become apparent, and threaten the very existence of the nation.

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<sup>45</sup>..... Cotton, p. 585.

<sup>46</sup>..... Burnet's Collection of Records, vol. i. p. 99.

<sup>47</sup>..... Cotton, p. 593.

<sup>48</sup>..... Statutes at large, 15 Henry VI. cap. 2. 23 Henry VI. cap. 6.

<sup>49</sup>..... Cotton, p. 626.

<sup>50</sup>..... Cotton, p. 593, 614, 638.



## CHAPTER 22.

### EDWARD IV.

Young Edward, now in his twentieth year, was of a temper well fitted to <sup>1461.</sup> make his way through such a scene of war, havoc, and devastation, as must conduct him to the full possession of that crown, which he claimed from hereditary right, but which he had assumed from the tumultuary election alone of his own party. He was bold, active, enterprising; and his hardness of heart and severity of character rendered him impregnable to all those movements of compassion which might relax his vigor in the prosecution of the most bloody revenges upon his enemies. The very commencement of his reign gave symptoms of his sanguinary disposition. A tradesman of London, who kept shop at the sign of the Crown, having said that he would make his son heir to the crown; this harmless pleasantry was interpreted to be spoken in derision of Edward's assumed title; and he was condemned and executed for the offence.<sup>1</sup> Such an act of tyranny was a proper prelude to the events which ensued. The scaffold, as well as the field, incessantly streamed with the noblest blood of England, spilt in the quarrel between the two contending families, whose animosity was now become implacable. The people, divided in their affections, took different symbols of party: the partisans of the house of Lancaster chose the red rose as their mark of distinction;<sup>2</sup> those of York were denominated from the white; and these civil wars were thus known over Europe by the name of the quarrel between the two roses.

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<sup>1</sup> Habington in Kennet, p. 431.

<sup>2</sup> Grafton, p. 791.

The license in which Queen Margaret had been obliged to indulge her troops, infused great terror and aversion into the city of London, and all the southern parts of the kingdom; and as she there expected an obstinate resistance, she had prudently retired northwards among her own



partisans. The same license, joined to the zeal of faction, soon brought great multitudes to her standard; and she was able, in a few days, to assemble an army sixty thousand strong in Yorkshire. The king and the earl of Warwick hastened, with an army of forty thousand men, to check her progress; and when they reached Pomfret, they despatched a body of troops, under the command of Lord Fitzwalter, to secure the passage of Ferrybridge over the River Aire, which lay between them and the enemy. Fitzwalter took possession of the post assigned him; but was not able to maintain it against Lord Clifford, who attacked him with superior numbers. The Yorkists were chased back with great slaughter; and Lord Fitzwalter himself was slain in the action.<sup>3</sup> The earl of Warwick, dreading the consequences of this disaster, at a time when a decisive action was every hour expected, immediately ordered his horse to be brought him, which he stabbed before the whole army; and kissing the hilt of his sword, swore that he was determined to share the fate of the meanest soldier.<sup>4</sup> And to show the greater security, a proclamation was at the same time issued, giving to every one full liberty to retire, but menacing the severest punishment to those who should discover any symptoms of cowardice in the ensuing battle.<sup>5</sup> Lord Falconberg was sent to recover the post which had been lost: he passed the river some miles above Ferrybridge, and falling unexpectedly on Lord Clifford, revenged the former disaster by the defeat of the party and the death of their leader.<sup>6</sup>

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<sup>3</sup> W. Wyrcester, p. 489. Hall, fol. 186. Holingshed, p. 664.

<sup>4</sup> Habington, p. 432.

<sup>5</sup> Holingshed, p. 664.

<sup>6</sup> Hist. Croyl. Contin. p. 532.

The hostile armies met at Touton; and a fierce and bloody battle ensued. While the Yorkists were advancing to the charge, there happened a great fall of snow, which, driving full in the faces of their enemies, blinded them; and this advantage was improved by a stratagem of Lord Falconberg's. That nobleman ordered some infantry to advance before the line, and, after having sent a volley of flight-arrows, as they were called, amidst the

enemy, immediately to retire. The Lancastrians, imagining that they were gotten within reach of the opposite army, discharged all their arrows, which thus fell short of the Yorkists.<sup>7</sup> After the quivers of the enemy were emptied, Edward advanced his line, and did execution with impunity on the dismayed Lancastrians: the bow, however, was soon laid aside, and the sword decided the combat, which ended in a total victory on the side of the Yorkists. Edward issued orders to give no quarter.<sup>8</sup> The routed army was pursued to Tadcaster with great bloodshed and confusion; and above thirty-six thousand men are computed to have fallen in the battle and pursuit:<sup>9</sup> among these were the earl of Westmoreland, and his brother Sir John Nevil, the earl of Northumberland, the Lords Dacres and Welles, and Sir Andrew Trollop.<sup>10</sup> The earl of Devonshire, who was now engaged in Henry's party, was brought a prisoner to Edward; and was soon after beheaded by martial law at York. His head was fixed on a pole erected over a gate of that city; and the head of Duke Richard and that of the earl of Salisbury were taken down, and buried with their bodies. Henry and Margaret had remained at York during the action, but learning the defeat of their army, and being sensible that no place in England could now afford them shelter, they fled with great precipitation into Scotland. They were accompanied by the duke of Exeter, who, though he had married Edward's sister, had taken part with the Lancastrians; and by Henry, duke of Somerset, who had commanded in the unfortunate battle of Tooton, and who was the son of that nobleman killed in the first battle of St. Albans.

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<sup>7</sup> Hall, fol. 186.

<sup>8</sup> Habington, p. 432.

<sup>9</sup> Holingshed, p. 665. Grafton, p. 656. Hist. Croyl. Cont. p. 533.

<sup>10</sup> Hall, fol. 187. Habington, p. 433.

Notwithstanding the great animosity which prevailed between the kingdoms, Scotland had never exerted itself with vigor, to take advantage either of the wars which England carried on with France, or of the civil commotions which arose between the contending families. James I., more

laudably employed in civilizing his subjects, and taming them to the salutary yoke of law and justice, avoided all hostilities with foreign nations; and though he seemed interested to maintain a balance between France and England, he gave no further assistance to the former kingdom in its greatest distresses, than permitting, and perhaps encouraging, his subjects to enlist in the French service. After the murder of that excellent prince, the minority of his son and successor, James II., and the distractions incident to it, retained the Scots in the same state of neutrality; and the superiority visibly acquired by France, rendered it then unnecessary for her ally to interpose in her defence. But when the quarrel commenced between the houses of York and Lancaster, and became absolutely incurable but by the total extinction of one party, James, who had now risen to man's estate, was tempted to seize the opportunity, and he endeavored to recover those places which the English had formerly conquered from his ancestors. He laid siege to the Castle of Roxburgh in 1460, and had provided himself with a small train of artillery for that enterprise: but his cannon were so ill framed, that one of them burst as he was firing it, and put an end to his life in the flower of his age. His son and successor, James III., was also a minor on his accession: the usual distractions ensued in the government: the queen dowager, Anne of Gueldres, aspired to the regency: the family of Douglas opposed her pretensions: and Queen Margaret, when she fled into Scotland, found there a people little less divided by faction, than those by whom she had been expelled. Though she pleaded the connections between the royal family of Scotland and the house of Lancaster, by the young king's grandmother, a daughter of the earl of Somerset, she could engage the Scottish council to go no further than to express their good wishes in her favor; but on her offer to deliver to them immediately the important fortress of Berwick, and to contract her son in marriage with a sister of King James, she found a better reception; and the Scots promised the assistance of their arms to reinstate her family upon the throne.<sup>11</sup> But as the danger from that quarter seemed not very urgent to Edward, he did not pursue the fugitive king and queen into their retreat; but returned to London, where a parliament was summoned for settling the government.

On the meeting of this assembly, Edward found the good effects of his vigorous measure in assuming the crown, as well as of his victory at

Touton, by which he had secured it;<sup>12</sup> the parliament no longer hesitated between the two families or proposed any of those ambiguous decisions which could only serve to perpetuate and inflame the animosities of party.

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<sup>11</sup> Hall, fol. 137.

<sup>12</sup> Habington, p. 434.

They recognized the title of Edward, by hereditary descent, through the family of Mortimer; and declared that he was king by right, from the death of his father, who had also the same lawful title; and that he was in possession of the crown from the day that he assumed the government, tendered to him by the acclamations of the people.<sup>13</sup> They expressed their abhorrence of the usurpation and intrusion of the house of Lancaster, particularly that of the earl of Derby, otherwise called Henry IV.; which, they said, had been attended with every kind of disorder, the murder of the sovereign, and the oppression of the subject. They annulled every grant which had passed in those reigns; they reinstated the king in all the possessions which had belonged to the crown at the pretended deposition of Richard II.; and though they confirmed judicial deeds and the decrees of inferior courts, they reversed all attainders passed in any pretended parliament; particularly the attainder of the earl of Cambridge, the king's grandfather; as well as that of the earls of Salisbury and Gloucester, and of Lord Lumley, who had been forfeited for adhering to Richard II.<sup>14</sup>

Many of these votes were the result of the usual violence of party: the common sense of mankind, in more peaceable times, repealed them: and the statutes of the house of Lancaster, being the deeds of an established government, and enacted by princes long possessed of authority, have always been held as valid and obligatory. The parliament, however, in subverting such deep foundations, had still the pretence of replacing the government on its ancient and natural basis: but in their subsequent measures, they were more guided by revenge, at least by the views of convenience, than by the maxims of equity and justice. They passed an act of forfeiture and attainder against Henry VI. and Queen Margaret and their infant son Prince Edward: the same act was extended to the dukes of

Somerset and Exeter; to the earls of Northumberland, Devonshire, Pembroke, Wilts; to the Viscount Beaumont; the Lords Roos, Nevil, Clifford, Welles, Dacre, Gray of Rugemont, Hungerford; to Alexander Hedio, Nicholas Latimer, Edmond Mountfort, John Heron, and many other persons of distinction.<sup>15</sup>

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<sup>13</sup> Cotton, p. 670.

<sup>14</sup> Cotton, p. 672. Statutes at large, 1 Edward IV cap. i.

<sup>15</sup> Cotton, p. 670. W. Wyrcester, p. 490.

The parliament vested the estates of all these attainted persons in the crown, though their sole crime was the adhering to a prince whom every individual of the parliament had long recognized, and whom that very king himself, who was now seated on the throne, had acknowledged and obeyed as his lawful sovereign.

The necessity of supporting the government established will more fully justify some other acts of violence, though the method of conducting them may still appear exceptionable. John, earl of Oxford, and his son Aubrey de Vere were detected in a correspondence with Margaret, were tried by martial law before the constable, were condemned and executed.<sup>16</sup> Sir William Tyrrel, Sir Thomas Tudenham, and John Montgomery were convicted in the same arbitrary court; were executed, and their estates forfeited. This introduction of martial law into civil government was a high strain of prerogative; which, were it not for the violence of the times, would probably have appeared exceptionable to a nation so jealous of their liberties as the English were now become.<sup>17</sup> It was impossible but such a great and sudden revolution must leave the roots of discontent and dissatisfaction in the subject, which would require great art, or, in lieu of it, great violence, to extirpate them. The latter was more suitable to the genius of the nation in that uncultivated age.

But the new establishment still seemed precarious and uncertain; not only from the domestic discontents of the people, but from the efforts of foreign powers. Lewis, the eleventh of the name, had succeeded to his father, Charles, in 1460; and was led, from the obvious motives of national

interest, to feed the flames of civil discord among such dangerous neighbors, by giving support to the weaker party. But the intriguing and politic genius of this prince was here checked by itself: having attempted to subdue the independent spirit of his own vassals, he had excited such an opposition at home, as prevented him from making all the advantage, which the opportunity afforded, of the dissensions among the English.

He sent, however, a small body to Henry's assistance under Varenne, <sup>1462</sup> seneschal of Normandy;<sup>18</sup> who landed in Northumberland, and got possession of the Castle of Alnwick; but as the indefatigable Margaret went in person to France, where she solicited larger supplies and promised Lewis to deliver up Calais, if her family should by his means be restored to the throne of England; he was induced to send along with her a body of two thousand men at arms, which enabled her to take the field, and to make an inroad into England.

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<sup>16</sup> W. Wyrcester, p. 492. Hall, fol. 189 Grafton, p. 658. Fabian fol. 215. Fragm. ad finem T. Sproti.

<sup>17</sup> That we may judge how arbitrary a court that of the constable of England was, we may peruse the patent granted to the earl of Rivers in this reign, as it is to be found in Spellman's Glossary in verb. Constabularius: as also more fully in Rymer, vol. xi. p. 581. Here is a clause of it: "Et ulterius de uberiori gratia nostra eidem comiti de Rivers plenam potestatem damus ad cognoscendum et procedendum, in omnibus et singulis causis et negotiis, de et super crimine lesse majestatis, seu super occasione eseterisque causis quibuscunque per præfatum comitem de Rivers, ut constabularium Angliæ —quæ in curia constabularii Angliæ ab antique, viz, tempore dicti domini Gtilielmi Conquætoris, sen aliquo tempore citra, tractari, audiri examinari, aut decidi consueverant, aut jure debuerant aut clebeni, causasque et negotia prædicta cum omnibus et singulis emergentibus, incidentibus et connexis, audiendum, examinandum, et fine debito terminandum, etiam *summarie et de plano, sine strepitu et figura justitiæ, sola facti veritate inspecta*, ac etiam manu regia, si opportunum visum fuerit eidem comiti de Rivers, vices nostras, appellatione remots." The office of constable was perpetual in the monarchy; its jurisdiction was not limited to times of war, as appears from this patent, and as we learn from Spellman; yet its authority was in direct contradiction to Magna Charta; and it is evident, that no regular liberty could subsist with it. It involved a full dictatorial power, continually subsisting in the state. The only check on the crown, besides the want of force to support all its prerogatives, was, that the office of constable was commonly either hereditary or during life, and the person invested with it was, for that reason, not so proper an instrument of arbitrary power in the

king. Accordingly the office was suppressed by Henry VIII., the most arbitrary of all the English princes. The practice, however, of exercising martial law still subsisted; and was not abolished till the Petition of Right under Charles I. This was the epoch of true liberty, confirmed by the restoration, and enlarged and secured by the revolution.]

<sup>18</sup>..... Monstrelet, vol. iii. p 95.

Though reënforced by a numerous train of adventurers from <sup>1464</sup>. Scotland, and by many partisans of the family of Lancaster she received a check at Hedgley-more from Lord Montacute, or Montague, brother to the earl of Warwick, and warden of the east marches between Scotland and England. Montague was so encouraged with this success, that, while a numerous reënforcement was on their march to join him by orders from Edward, he yet ventured, with his own troops alone, to attack the Lancastrians at Hexham; and he obtained a complete victory over them. The duke of Somerset, the Lords Roos and Hungerford, were taken in the pursuit, and immediately beheaded by martial law at Hexham. Summary justice was in like manner executed at Newcastle on Sir Humphrey Nevil, and several other gentlemen. All those who were spared in the field, suffered on the scaffold; and the utter extermination of their adversaries was now become the plain object of the York party; a conduct which received but too plausible an apology from the preceding practice of the Lancastrians.

The fate of the unfortunate royal family, after this defeat, was singular. Margaret, flying with her son into a forest, where she endeavored to conceal herself, was beset, during the darkness of the night, by robbers, who, either ignorant or regardless of her quality, despoiled her of her rings and jewels, and treated her with the utmost indignity. The partition of this rich booty raised a quarrel among them; and while their attention was thus engaged, she took the opportunity of making her escape with her son into the thickest of the forest where she wandered for some time, overspent with hunger and fatigue, and sunk with terror and affliction. While in this wretched condition, she saw a robber approach with his naked sword; and finding that she had no means of escape, she suddenly embraced the resolution of trusting entirely for protection to his faith and generosity. She advanced towards him; and presenting to him the young prince, called

out to him, "Here, my friend, I commit to your care the safety of your king's son." The man, whose humanity and generous spirit had been obscured, not entirely lost, by his vicious course of life, was struck with the singularity of the event, was charmed with the confidence reposed in him, and vowed, not only to abstain from all injury against the princess, but to devote himself entirely to her service.<sup>19</sup> By his means she dwelt some time concealed in the forest, and was at last conducted to the sea-coast, whence she made her escape into Flanders. She passed thence into her father's court, where she lived several years in privacy and retirement. Her husband was not so fortunate or so dexterous in finding the means of escape. Some of his friends took him under their protection, and conveyed him into Lancashire, where he remained concealed during a twelvemonth; but he was at last detected, delivered up to Edward, and thrown into the Tower.<sup>20</sup> The safety of his person was owing less to the generosity of his enemies, than to the contempt which they had entertained of his courage and his understanding.

The imprisonment of Henry, the expulsion of Margaret, the execution and confiscation of all the most eminent Lancastrians, seemed to give full security to Edward's government; whose title by blood, being now recognized by parliament, and universally submitted to by the people, was no longer in danger of being impeached by any antagonist. In this prosperous situation, the king delivered himself up, without control, to those pleasures which his youth, his high fortune, and his natural temper invited him to enjoy; and the cares of royalty were less attended to than the dissipation of amusement, or the allurements of passion. The cruel and unrelenting spirit of Edward, though inured to the ferocity of civil wars, was at the same time extremely devoted to the softer passions, which, without mitigating his severe temper, maintained a great influence over him, and shared his attachment with the pursuits of ambition and the thirst of military glory. During the present interval of peace, he lived in the most familiar and sociable manner with his subjects,<sup>21</sup> particularly with the Londoners; and the beauty of his person, as well as the gallantry of his address, which, even unassisted by his royal dignity, would have rendered him acceptable to the fair, facilitated all his applications for their favor.



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<sup>19</sup> Monstrelet, vol. iii. p. 96.

<sup>20</sup> Hall, fol. 191. *Fragm. ad finem Sproti.*

<sup>21</sup> Polyd. *Virg.* p. 513. Biondi.

This easy and pleasurable course of life augmented every day his popularity among all ranks of men: he was the peculiar favorite of the young and gay of both sexes. The disposition of the English little addicted to jealousy, kept them from taking umbrage at these liberties: and his indulgence in amusements, while it gratified his inclination, was thus become, without design, a means of supporting and securing his government. But as it is difficult to confine the ruling passion within strict rules of prudence, the amorous temper of Edward led him into a snare, which proved fatal to his repose, and to the stability of his throne.

Jaqueline of Luxembourg, duchess of Bedford, had, after her husband's death, so far sacrificed her ambition to love, that she espoused, in second marriage, Sir Richard Woodeville a private gentleman, to whom she bore several children; and among the rest, Elizabeth, who was remarkable for the grace and beauty of her person, as well as for other amiable accomplishments. This young lady had married Sir John Gray of Groby, by whom she had children; and her husband being slain in the second battle of St. Albans, fighting on the side of Lancaster, and his estate being for that reason confiscated, his widow retired to live with her father, at his seat of Grafton, in Northamptonshire. The king came accidentally to the house after a hunting party, in order to pay a visit to the duchess of Bedford; and as the occasion seemed favorable for obtaining some grace from this gallant monarch, the young widow flung herself at his feet, and with many tears entreated him to take pity on her impoverished and distressed children. The sight of so much beauty in affliction strongly affected the amorous Edward; love stole sensibly into his heart under the guise of compassion; and her sorrow, so becoming a virtuous matron, made his esteem and regard quickly correspond to his affection. He raised her from the ground with assurances of favor; he found his passion increase every moment, by the conversation of the amiable object; and he was soon reduced, in his turn, to the posture and style of a supplicant at

the feet of Elizabeth. But the lady, either averse to dishonorable love from a sense of duty, or perceiving that the impression which she had made was so deep as to give her hopes of obtaining the highest elevation, obstinately refused to gratify his passion; and all the endearments, caresses, and importunities of the young and amiable Edward proved fruitless against her rigid and inflexible virtue. His passion, irritated by opposition, and increased by his veneration for such honorable sentiments carried him at last beyond all bounds of reason and he offered to share his throne, as well as his heart, with the woman whose beauty of person and dignity of character seemed so well to entitle her to both. The marriage was privately celebrated at Grafton:<sup>22</sup> the secret was carefully kept for some time: no one suspected that so libertine a prince could sacrifice so much to a romantic passion; and there were, in particular, strong reasons, which, at that time, rendered this step, to the highest degree, dangerous and imprudent.

The king, desirous to secure his throne, as well by the prospect of issue as by foreign alliances, had, a little before, determined to make application to some neighboring princess, and he had cast his eye on Bona of Savoy, sister to the queen of France, who, he hoped, would by her marriage insure him the friendship of that power, which was alone both able and inclined to give support and assistance to his rival. To render the negotiation more successful, the earl of Warwick had been despatched to Paris, where the princess then resided; he had demanded Bona in marriage for the king; his proposals had been accepted; the treaty was fully concluded; and nothing remained but the ratification of the terms agreed on, and the bringing over the princess to England.<sup>23</sup> But when the secret of Edward's marriage broke out, the haughty earl, deeming himself affronted, both by being employed in this fruitless negotiation, and by being kept a stranger to the king's intentions, who had owed every thing to his friendship, immediately returned to England, inflamed with rage and indignation. The influence of passion over so young a man as Edward, might have served as an excuse for his imprudent conduct, had he deigned to acknowledge his error, or had pleaded his weakness as an apology; but his faulty shame or pride prevented him from so much as mentioning the matter to Warwick; and that nobleman was allowed to depart the court, full of the same ill humor and discontent which he brought to it.

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<sup>22</sup> Hall, fol. 193. Fabian, fol. 216.

<sup>23</sup> Hall, fol. 193. Habington, p. 437. Holingshed, p. 607. Grafton, p. 665. Polyd. Virg. p. 513.

Every incident now tended to widen the breach between the king <sup>1466</sup> and this powerful subject. The queen, who lost not her influence by marriage, was equally solicitous to draw every grace and favor to her own friends and kindred, and to exclude those of the earl, whom she regarded as her immortal enemy. Her father was created earl of Rivers: he was made treasurer in the room of Lord Mountjoy:<sup>24</sup> he was invested in the office of constable for life; and his son received the survivance of that high dignity.<sup>25</sup> The same young nobleman was married to the only daughter of Lord Scales, enjoyed the great estate of that family, and had the title of Scales conferred upon him. Catharine, the queen's sister, was married to the young duke of Buckingham, who was a ward of the crown:<sup>26</sup> Mary, another of her sisters espoused William Herbert, created earl of Huntingdon: Anne, a third sister, was given in marriage to the son and heir of Gray, Lord Ruthyn, created earl of Kent.<sup>27</sup> The daughter and heir of the duke of Exeter, who was also the king's niece, was contracted to Sir Thomas Gray, one of the queen's sons by her former husband; and as Lord Montague was treating of a marriage between his son and this lady, the preference given to young Gray was deemed an injury and affront to the whole family of Nevil.

The earl of Warwick could not suffer with patience the least diminution of that credit which he had long enjoyed, and which he thought he had merited by such important services. Though he had received so many grants from the crown, that the revenue arising from them amounted, besides his patrimonial estate, to eighty thousand crowns a year, according to the computation of Philip de Comines,<sup>28</sup> his ambitious spirit was still dissatisfied, so long as he saw others surpass him in authority and influence with the king.<sup>29</sup> Edward also, jealous of that power which had supported him and which he himself had contributed still higher to exalt, was well pleased to raise up rivals in credit to the earl of Warwick; and he justified, by this political view, his extreme partiality to

the queen's kindred. But the nobility of England, envying the sudden growth of the Woodevilles,<sup>30</sup> were more inclined to take part with Warwick's discontent, to whose grandeur they were already accustomed, and who had reconciled them to his superiority by his gracious and popular manners.

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<sup>24</sup> W. Wyrcester, p. 506.

<sup>25</sup> W. Wyrcester, p. 505.

<sup>26</sup> Liv. iii. chap. 4.

<sup>27</sup> Hist. Croyl. Cont. p. 539.

<sup>28</sup> Polyd. Virg. p. 514.

<sup>29</sup> Rymer, vol. xi. p. 581.

And as Edward obtained from parliament a general resumption of all grants, which he had made since his accession, and which had extremely impoverished the crown,<sup>31</sup> this act, though it passed with some exceptions, particularly one in favor of the earl of Warwick, gave a general alarm to the nobility, and disgusted many, even zealous partisans of the family of York.

But the most considerable associate that Warwick acquired to his party, was George, duke of Clarence, the king's second brother. This prince deemed himself no less injured than the other grandees, by the uncontrolled influence of the queen and her relations; and as his fortunes were still left upon a precarious footing, while theirs were fully established, this neglect, joined to his unquiet and restless spirit, inclined him to give countenance to all the malecontents.<sup>32</sup> The favorable opportunity of gaining him was espied by the earl of Warwick, who offered him in marriage his elder daughter, and coheir of his immense fortunes; a settlement which, as it was superior to any that the king himself could confer upon him, immediately attached him to the party of the earl.<sup>33</sup> Thus an extensive and dangerous combination was insensibly formed against Edward and his ministry. Though the immediate object of the malecontents was not to overturn the throne, it was difficult to foresee the extremities to which they might be carried: and as opposition to

government was usually in those ages prosecuted by force of arms, civil convulsions and disorders were likely to be soon the result of these intrigues and confederacies.

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<sup>30</sup>..... W. Wyrcester, p. 508.

<sup>31</sup>..... W. Wyrcester, p. 511. Hall, fol. 200. Habington, p. 439. Holingshed, p. 671. Polyd. Virg. p. 515.

<sup>32</sup>..... Grafton. p. 873.

While this cloud was gathering at home, Edward carried his views abroad, and endeavored to secure himself against his factious nobility, by entering into foreign alliances. The dark and dangerous ambition of Lewis XI., the more it was known, the greater alarm it excited among his neighbors and vassals; and as it was supported by great abilities, and unrestrained by any principle of faith or humanity, they found no security to themselves but by a jealous combination against him. Philip, duke of Burgundy, was now dead: his rich and extensive dominions were devolved to Charles, his only son, whose martial disposition acquired him the surname of Bold, and whose ambition, more outrageous than that of Lewis, but seconded by less power and policy, was regarded with a more favorable eye by the other potentates of Europe.

The opposition of interests, and still more a natural antipathy of character, produced a declared animosity between these bad princes; and Edward was thus secure of the sincere attachment of either of them, for whom he should choose to declare himself. The duke of Burgundy, being descended by his mother, a daughter of Portugal, from John of Gaunt, was naturally inclined to favor the house of Lancaster;<sup>34</sup> but this consideration was easily overbalanced by political motives; and Charles, perceiving the interests of that house to be extremely decayed in England, sent over his natural brother, commonly called the Bastard of Burgundy, to carry in his name proposals of marriage to Margaret, the king's sister.

The alliance of Burgundy was more popular among the English than <sup>1468</sup> that of France; the commercial interests of the two nations invited the princes to a close union; their common jealousy of Lewis was a natural

cement between them; and Edward, pleased with strengthening himself by so potent a confederate, soon concluded the alliance, and bestowed his sister upon Charles.<sup>35</sup> A league, which Edward at the same time concluded with the duke of Brittany, seemed both to increase his security, and to open to him the prospect of rivalling his predecessors in those foreign conquests, which, however short-lived and unprofitable, had rendered their reigns so popular and illustrious.<sup>36</sup>

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<sup>33</sup> Comine's, liv. iii. chap. 4, 6.

<sup>34</sup> W. Wyrcester, p. 5. Parl. Hist. vol. ii. p. 332.

<sup>35</sup> Hall, fol. 169, 197.

But whatever ambitious schemes the king might have built on <sup>1469</sup> these alliances, they were soon frustrated by intestine commotions, which engrossed all his attention. These disorders probably arose not immediately from the intrigues of the earl of Warwick, but from accident, aided by the turbulent spirit of the age, by the general humor of discontent which that popular nobleman had instilled into the nation, and perhaps by some remains of attachment to the house of Lancaster. The hospital of St. Leonard's, near York, had received, from an ancient grant of King Athelstane, a right of levying a thrave of corn upon every plough-land in the county; and as these charitable establishments are liable to abuse, the country people complained, that the revenue of the hospital was no longer expended for the relief of the poor, but was secreted by the managers, and employed to their private purposes.

After long repining at the contribution, they refused payment: ecclesiastical and civil censures were issued against them, their goods were distrained, and their persons thrown into jail: till, as their ill humor daily increased, they rose in arms; fell upon the officers of the hospital, whom they put to the sword; and proceeded in a body, fifteen thousand strong, to the gates of York. Lord Montague, who commanded in those parts, opposed himself to their progress; and having been so fortunate in a skirmish as to seize Robert Hulderne, their leader, he ordered him immediately to be led to execution, according to the practice of the times.

The rebels, however, still continued in arms; and being soon headed by men of greater distinction: Sir Henry Nevil, son of Lord Latimer, and Sir John Coniers, they advanced southwards, and began to appear formidable to government. Herbert, earl of Pembroke, who had received that title on the forfeiture of Jasper Tudor, was ordered by Edward to march against them at the head of a body of Welshmen; and he was joined by five thousand archers, under the command of Stafford, earl of Devonshire, who had succeeded in that title to the family of Courtney, which had also been attained. But a trivial difference about quarters having begotten an animosity between these two noblemen, the earl of Devonshire retired with his archers, and left Pembroke alone to encounter the rebels. The two armies approached each other near Banbury; and Pembroke, having prevailed in a skirmish, and having taken Sir John Nevil prisoner, ordered him immediately to be put to death, without any form of process. This execution enraged without terrifying the rebels: they attacked the Welsh army, routed them, put them to the sword without mercy; and having seized Pembroke, they took immediate revenge upon him for the death of their leader. The king, imputing this misfortune to the earl of Devonshire, who had deserted Pembroke, ordered him to be executed in a like summary manner. But these speedy executions, or rather open murders, did not stop there: the northern rebels, sending a party to Grafton, seized the earl of Rivers and his son John; men who had become obnoxious by their near relation to the king, and his partiality towards them: and they were immediately executed by orders from Sir John Coniers.<sup>37</sup>

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<sup>36</sup> Fabian, fol. 217.

There is no part of English history since the conquest so obscure, so uncertain, so little authentic or consistent, as that of the wars between the two “roses:” historians differ about many material circumstances; some events of the utmost consequence, in which they almost all agree, are incredible, and contradicted by records;<sup>38</sup> and it is remarkable, that this profound darkness falls upon us just on the eve of the restoration of letters, and when the art of printing was already known in Europe. All we can distinguish with certainty through the deep cloud which covers that

period, is a scene of horror and bloodshed: savage manners, arbitrary executions, and treacherous, dishonorable conduct in all parties. There is no possibility, for instance, of accounting for the views and intentions of the earl of Warwick at this time. It is agreed that he resided, together with his son-in-law, the duke of Clarence, in his government of Calais during the commencement of this rebellion; and that his brother Montague acted with vigor against the northern rebels. We may thence presume, that the insurrection had not proceeded from the secret counsels and instigation of Warwick; though the murder committed by the rebels on the earl of Rivers, his capital enemy, forms, on the other hand, a violent presumption against him. He and Clarence came over to England, offered their service to Edward, were received without any suspicion, were intrusted by him in the highest commands,<sup>39</sup> and still persevered in their fidelity. Soon after, we find the rebels quieted and dispersed by a general pardon granted by Edward from the advice of the earl of Warwick: but why so courageous a prince, if secure of Warwick's fidelity, should have granted a general pardon to men who had been guilty of such violent and personal outrages against him, is not intelligible; nor why that nobleman, if unfaithful, should have endeavored to appease a rebellion of which he was able to make such advantages. But it appears, that after this insurrection, there was an interval of peace, during which the king loaded the family of Nevil with honors and favors of the highest nature: he made Lord Montague a marquis, by the same name: he created his son George duke of Bedford;<sup>40</sup> he publicly declared his intention of marrying that young nobleman to his eldest daughter, Elizabeth, who, as he had yet no sons, was presumptive heir of the crown: yet we find that soon after, being invited to a feast by the archbishop of York, a younger brother of Warwick and Montague, he entertained a sudden suspicion that they intended to seize his person or to murder him: and he abruptly left the entertainment.<sup>41</sup>

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<sup>37</sup> We shall give an instance. Almost all the historians, even Coraines, and the continuator of the Annals of Croyland, assert that Edward was about this time taken prisoner by Clarence and Warwick, and was committed to the custody of the archbishop of York, brother to the earl; but being allowed to take the diversion of hunting by this prelate, he made his escape, and afterwards chased the rebels out of the kingdom. But that all the story is false, appears from Rymer, where we find that the king, throughout all this



period, continually exercised his authority, and never was interrupted in his government. On the 7th of March, 1470, he gives a commission of array to Clarence, whom he then imagined a good subject; and on the 23d of the same month, we find him issuing an order for apprehending him, Besides, in the king's manifesto against the duke and earl, (Claus. 10. Edward IV. m. 7, 8,) where he enumerates all their treasons, he mentions no such fact; he does not so much as accuse them of exciting young Welles's rebellion; he only says, that they exhorted him to continue in his rebellion. We may judge how smaller facts will be misrepresented by historians, who can in the most material transactions mistake so grossly. There may even some doubt arise with regard to the proposal of marriage made to Bona of Savoy; though almost all the historians concur in it, and the fact be very likely in itself; for there are no traces in Rymer of any such embassy of Warwick's to France. The chief certainty in this and the preceding reign arises either from public records, or from the notice taken of certain passages by the French historians. On the contrary, for some centuries after the conquest, the French history is not complete without the assistance of English authors. We may conjecture, that the reason of the scarcity of historians during this period, was the destruction of the convents, which ensued so soon after. Copies of the more recent historians not being yet sufficiently dispersed, those histories have perished.]

<sup>38</sup> Rymer, vol. xi. p. 647, 649, 650.

<sup>39</sup> Cotton, p. 702.

<sup>40</sup> Fragm. Edward IV. ad fin. Sproti.

Soon after, there broke out another rebellion, which is as <sup>1470</sup> unaccountable as all the preceding events; chiefly because no sufficient reason is assigned for it, and because, so far as appears, the family of Nevil had no hand in exciting and fomenting it. It arose in Lincolnshire, and was headed by Sir Robert Welles, son to the lord of that name. The army of the rebels amounted to thirty thousand men; but Lord Welles himself, far from giving countenance to them, fled into a sanctuary, in order to secure his person against the king's anger or suspicions. He was allured from this retreat by a promise of safety; and was soon after, notwithstanding this assurance, beheaded, along with Sir Thomas Dymoc, by orders from Edward.<sup>42</sup> The king fought a battle with the rebels, defeated them, took Sir Robert Welles and Sir Thomas Launde prisoners, and ordered them immediately to be beheaded.

Edward, during these transactions, had entertained so little jealousy of the earl of Warwick or duke of Clarence, that he sent them with commissions of array to levy forces against the rebels:<sup>43</sup> but these malecontents, as soon as they left the court, raised troops in their own name, issued declarations against the government, and complained of grievances, oppressions, and bad ministers. The unexpected defeat of Welles disconcerted all their measures; and they retired northwards into Lancashire, where they expected to be joined by Lord Stanley, who had married the earl of Warwick's sister. But as that nobleman refused all concurrence with them, and as Lord Montague also remained quiet in Yorkshire, they were obliged to disband their army, and to fly into Devonshire, where they embarked and made sail towards Calais.<sup>44</sup>

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<sup>41</sup> Hall, fol. 204. Fabian, fol. 218. Habington, p. 442. Holingshed, p. 674.

<sup>42</sup> Rymer, vol. xi. p. 652.

<sup>43</sup> The king offered, by proclamation, a reward of one thousand pounds, or one hundred pounds a year in land, to any that would seize them. Whence we may learn that land was at that time sold for about ten years' purchase. See Rymer, vol. xi. p. 654.

The deputy governor, whom Warwick had left at Calais, was one Vaucler, a Gascon, who, seeing the earl return in this miserable condition, refused him admittance; and would not so much as permit the duchess of Clarence to land, though, a few days before, she had been delivered on shipboard of a son, and was at that time extremely disordered by sickness. With difficulty he would allow a few flagons of wine to be carried to the ship for the use of the ladies: but as he was a man of sagacity, and well acquainted with the revolutions to which England was subject, he secretly apologized to Warwick for this appearance of infidelity, and represented it as proceeding entirely from zeal for his service. He said that the fortress was ill supplied with provisions; that he could not depend on the attachment of the garrison; that the inhabitants, who lived by the English commerce, would certainly declare for the established government; that the place was at present unable to resist the power of England on the one hand, and that of the duke of Burgundy on the other; and that, by seeming to declare for

Edward, he would acquire the confidence of that prince, and still keep it in his power, when it should become safe and prudent, to restore Calais to its ancient master.<sup>45</sup> It is uncertain whether Warwick was satisfied with this apology, or suspected a double infidelity in Vaucler; but he feigned to be entirely convinced by him; and having seized some Flemish vessels which he found lying off Calais, he immediately made sail towards France.

The king of France, uneasy at the close conjunction between Edward and the duke of Burgundy, received with the greatest demonstrations of regard the unfortunate Warwick,<sup>46</sup> with whom he had formerly maintained a secret correspondence, and whom he hoped still to make his instrument in overturning the government of England, and reëstablishing the house of Lancaster.

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<sup>44</sup> Comines, liv. iii. chap. 4. Hall, fol. 205.

<sup>45</sup> Polyd. Virg. p. 519.

No animosity was ever greater than that which had long prevailed between that house and the earl of Warwick. His father had been executed by orders from Margaret: he himself had twice reduced Henry to captivity, had banished the queen, had put to death all their most zealous partisans either in the field or on the scaffold, and had occasioned innumerable ills to that unhappy family. For this reason, believing that such inveterate rancor could never admit of any cordial reconciliation, he had not mentioned Henry's name when he took arms against Edward; and he rather endeavored to prevail by means of his own adherents, than revive a party which he sincerely hated. But his present distresses and the entreaties of Lewis made him hearken to terms of accommodation; and Margaret being sent for from Angers, where she then resided, an agreement was, from common interest, soon concluded between them. It was stipulated, that Warwick should espouse the cause of Henry, and endeavor to restore him to liberty, and to reëstablish him on the throne; that the administration of the government, during the minority of young Edward, Henry's son, should be intrusted conjointly to the earl of Warwick and the duke of Clarence; that Prince Edward should marry the Lady

Anne, second daughter of that nobleman; and that the crown, in case of the failure of male issue in that prince, should descend to the duke of Clarence, to the entire exclusion of King Edward and his posterity. Never was confederacy, on all sides, less natural, or more evidently the work of necessity: but Warwick hoped, that all former passions of the Lancastrians might be lost in present political views; and that, at worst, the independent power of his family, and the affections of the people, would suffice to give him security, and enable him to exact the full performance of all the conditions agreed on. The marriage of Prince Edward with the Lady Anne was immediately celebrated in France.

Edward foresaw that it would be easy to dissolve an alliance composed of such discordant parts. For this purpose, he sent over a lady of great sagacity and address, who belonged to the train of the duchess of Clarence, and who, under color of attending her mistress, was empowered to negotiate with the duke, and to renew the connections of that prince with his own family.<sup>47</sup> She represented to Clarence, that he had unwarily, to his own ruin, become the instrument of Warwick's vengeance, and had thrown himself entirely in the power of his most inveterate enemies; that the mortal injuries which the one royal family had suffered from the other, were now past all forgiveness, and no imaginary union of interests could ever suffice to obliterate them; that even if the leaders were willing to forget past offences, the animosity of their adherents would prevent a sincere coalition of parties, and would, in spite of all temporary and verbal agreements, preserve an eternal opposition of measures between them; and that a prince who deserted his own kindred, and joined the murderers of his father, left himself single, without friends, without protection, and would not, when misfortunes inevitably fell upon him, be so much as entitled to any pity or regard from the rest of mankind.

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<sup>46</sup> Comines, liv. iii. chap. 5. Hall, fol. 207. Holingshed, p. 676.

Clarence was only one and twenty years of age, and seems to have possessed but a slender capacity; yet could he easily see the force of these reasons; and, upon the promise of forgiveness from his brother, he secretly

engaged, on a favorable opportunity, to desert the earl of Warwick, and abandon the Lancastrian party.

During this negotiation, Warwick was secretly carrying on a correspondence of the same nature with his brother, the marquis of Montague, who was entirely trusted by Edward; and like motives produced a like resolution in that nobleman. The marquis, also, that he might render the projected blow the more deadly and incurable, resolved, on his side, to watch a favorable opportunity for committing his perfidy, and still to maintain the appearance of being a zealous adherent to the house of York.

After these mutual snares were thus carefully laid, the decision of the quarrel advanced apace. Lewis prepared a fleet to escort the earl of Warwick, and granted him a supply of men and money.<sup>48</sup> The duke of Burgundy, on the other hand, enraged at that nobleman for his seizure of the Flemish vessels before Calais, and anxious to support the reigning family in England, with whom his own interests were now connected, fitted out a larger fleet, with which he guarded the Channel: and he incessantly warned his brother-in-law of the imminent perils to which he was exposed. But Edward, though always brave and often active, had little foresight or penetration. He was not sensible of his danger; he made no suitable preparations against the earl of Warwick;<sup>49</sup> he even said that the duke might spare himself the trouble of guarding the seas, and that he wished for nothing more than to see Warwick set foot on English ground.<sup>50</sup> A vain confidence in his own prowess, joined to the immoderate love of pleasure, had made him incapable of all sound reason and reflection.

The event soon happened, of which Edward seemed so desirous. A storm dispersed the Flemish navy, and left the sea open to Warwick.<sup>51</sup> That nobleman seized the opportunity, and setting sail, quickly landed at Dartmouth with the duke of Clarence, the earls of Oxford and Pembroke, and a small body of troops, while the king was in the north, engaged in suppressing an insurrection which had been raised by Lord Fitz-Hugh, brother-in-law to Warwick.

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<sup>47</sup> Comines, liv. iii. chap. 4. Hall, fol. 207.

<sup>48</sup> Grafton, p. 687.

<sup>49</sup> Comines, liv. iii. chap. 5. Hall, fol. 208.

The scene which ensues resembles more the fiction of a poem or romance than an event in true history. The prodigious popularity of Warwick,<sup>52</sup>..... the zeal of the Lancastrian party, the spirit of discontent with which many were infected, and the general instability of the English nation, occasioned by the late frequent revolutions, drew such multitudes to his standard, that in a very few days his army amounted to sixty thousand men and was continually increasing. Edward hastened southwards to encounter him; and the two armies approached each other near Nottingham, where a decisive action was every hour expected. The rapidity of Warwick's progress had incapacitated the duke of Clarence from executing his plan of treachery; and the marquis of Montague had here the opportunity of striking the first blow. He communicated the design to his adherents, who promised him their concurrence: they took to arms in the night-time, and hastened with loud acclamations to Edward's quarters; the king was alarmed at the noise, and starting from bed, heard the cry of war usually employed by the Lancastrian party. Lord Hastings, his chamberlain, informed him of the danger, and urged him to make his escape by speedy flight from an army where he had so many concealed enemies, and where few seemed zealously attached to his service. He had just time to get on horseback, and to hurry with a small retinue to Lynne, in Norfolk, where he luckily found some ships ready, on board of which he instantly embarked.<sup>53</sup>..... And after this manner the earl of Warwick, in no longer space than eleven days after his first landing, was left entire master of the kingdom.

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<sup>51</sup>..... Hall, fol. 205.

<sup>52</sup>..... Comines, liv. iii. chap. 5. Hall, fol. 208.

But Edward's danger did not end with his embarkation. The Easterlings or Hanse Towns were then at war both with France and England; and some ships of these people, hovering on the English coast, espied the king's vessels, and gave chase to them; nor was it without extreme difficulty that

he made his escape into the port of Alcaer, in Holland. He had fled from England with such precipitation, that he had carried nothing of value along with him; and the only reward which he could bestow on the captain of the vessel that brought him over, was a robe lined with sables; promising him an ample recompense if fortune should ever become more propitious to him.<sup>54</sup>

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<sup>53</sup> Comines, liv, iii. chap. 5.

It is not likely that Edward could be very fond of presenting himself in this lamentable plight before the duke of Burgundy; and that having so suddenly, after his mighty vaunts, lost all footing in his own kingdom, he could be insensible to the ridicule which must attend him in the eyes of that prince. The duke, on his part, was no less embarrassed how he should receive the dethroned monarch. As he had ever borne a greater affection to the house of Lancaster than to that of York, nothing but political views had engaged him to contract an alliance with the latter; and he foresaw, that probably the revolution in England would now turn this alliance against him, and render the reigning family his implacable and jealous enemy. For this reason, when the first rumor of that event reached him, attended with the circumstance of Edward's death, he seemed rather pleased with the catastrophe; and it was no agreeable disappointment to find, that he must either undergo the burden of supporting an exiled prince, or the dishonor of abandoning so near a relation. He began already to say, that his connections were with the kingdom of England, not with the king; and it was indifferent to him whether the name of Edward or that of Henry were employed in the articles of treaty. These sentiments were continually strengthened by the subsequent events. Vaucler, the deputy-governor of Calais, though he had been confirmed in his command by Edward, and had even received a pension from the duke of Burgundy on account of his fidelity to the crown, no sooner saw his old master, Warwick, reinstated in authority, than he declared for him, and with great demonstrations of zeal and attachment, put the whole garrison in his livery. And the intelligence which the duke received every day from England, seemed to promise an entire and full settlement in the family of Lancaster.

Immediately after Edward's flight had left the kingdom at Warwick's disposal, that nobleman hastened to London; and taking Henry from his confinement in the Tower, into which he himself had been the chief cause of throwing him, he proclaimed him king with great solemnity. A parliament was summoned in the name of that prince, to meet at Westminster, and as this assembly could pretend to no liberty while surrounded by such enraged and insolent victors, governed by such an impetuous spirit as Warwick, their votes were entirely dictated by the ruling faction. The treaty with Margaret was here fully executed: Henry was recognized as lawful king; but his incapacity for government being avowed, the regency was intrusted to Warwick and Clarence till the majority of Prince Edward; and in default of that prince's issue, Clarence was declared successor to the crown. The usual business also of reversals went on without opposition: every statute made during the reign of Edward was repealed; that prince was declared to be a usurper; he and his adherents were attainted; and in particular Richard, duke of Gloucester, his younger brother: all the attainders of the Lancastrians, the dukes of Somerset and Exeter, the earls of Richmond, Pembroke, Oxford, and Ormond, were reversed; and every one was restored who had lost either honors or fortunes by his former adherence to the cause of Henry.

The ruling party were more sparing in their executions than was usual after any revolution during those violent times. The only victim of distinction was John Tiptot, earl of Worcester. This accomplished person, born in an age and nation where the nobility valued themselves on ignorance as their privilege, and left learning to monks and schoolmasters, for whom indeed the spurious erudition that prevailed was best fitted, had been struck with the first rays of true science, which began to penetrate from the south, and had been zealous, by his exhortation and example, to propagate the love of letters among his unpolished countrymen. It is pretended, that knowledge had not produced on this nobleman himself the effect which naturally attends it, of humanizing the temper and softening the heart;<sup>55</sup> and that he had enraged the Lancastrians against him by the severities which he exercised upon them during the prevalence of his own party.



He endeavored to conceal himself after the flight of Edward, but was caught on the top of a tree in the forest of Weybridge, was conducted to London, tried before the earl of Oxford, condemned, and executed. All the other considerable Yorkists either fled beyond sea, or took shelter in sanctuaries, where the ecclesiastical privileges afforded them protection. In London alone it is computed that no less than two thousand persons saved themselves in this manner;<sup>56</sup> and among the rest, Edward's queen, who was there delivered of a son, called by his father's name.<sup>57</sup>

Queen Margaret, the other rival queen, had not yet appeared in England, but on receiving intelligence of Warwick's success, was preparing with Prince Edward for her journey. All the banished Lancastrians flocked to her; and, among the rest, the duke of Somerset, son of the duke beheaded after the battle of Hexham. This nobleman, who had long been regarded as the head of the party, had fled into the Low Countries on the discomfiture of his friends; and as he concealed his name and quality, he had there languished in extreme indigence. Philip de Comines tells us,<sup>58</sup> that he himself saw him, as well as the duke of Exeter, in a condition no better than that of a common beggar; till being discovered by Philip, duke of Burgundy, they had small pensions allotted them, and were living in silence and obscurity when the success of their party called them from their retreat. But both Somerset and Margaret were detained by contrary winds from reaching England,<sup>59</sup> till a new revolution in that kingdom, no less sudden and surprising than the former, threw them into greater misery than that from which they had just emerged.

Though the duke of Burgundy, by neglecting Edward, and paying court to the established government, had endeavored to conciliate the friendship of the Lancastrians, he found that he had not succeeded to his wish; and the connections between the king of France and the earl of Warwick still held him in great anxiety.<sup>60</sup> This nobleman, too hastily regarding Charles as a determined enemy, had sent over to Calais a body of four thousand men, who made inroads into the Low Countries;<sup>61</sup> and the duke of Burgundy saw himself in danger of being overwhelmed by the

united arms of England and of France. He resolved therefore to grant some assistance to his brother-in-law; but in such a covert manner as should give the least offence possible to the English government.

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<sup>55</sup> Comines, liv. iii. chap. 7.

<sup>56</sup> Hall, fol. 210. Stowe, p. 423. Holingshed, p. 677. Grafton, p. 690.

<sup>57</sup> Liv. iii. chap. 4.

<sup>58</sup> Grafton, p. 692. Polyd. Virg. p 522.

<sup>59</sup> Comines, liv, iii. chap. 6.

He equipped four large vessels, in the name of some private <sup>1471</sup>. merchants, at Terveer, in Zealand; and causing fourteen ships to be secretly hired from the Easterlings, he delivered this small squadron to Edward, who, receiving also a sum of money from the duke, immediately set sail for England. No sooner was Charles informed of his departure than he issued a proclamation inhibiting all his subjects from giving him countenance or assistance;<sup>62</sup> an artifice which could not deceive the earl of Warwick, but which might serve as a decent pretence, if that nobleman were so disposed, for maintaining friendship with the duke of Burgundy.

Edward, impatient to take revenge on his enemies, and to recover his lost authority, made an attempt to land with his forces, which exceeded not two thousand men, on the coast of Norfolk; but being there repulsed, he sailed northwards, and disembarked at Ravenspur, in Yorkshire. Finding that the new magistrates, who had been appointed by the earl of Warwick, kept the people every where from joining him, he pretended, and even made oath, that he came not to challenge the crown, but only the inheritance of the house of York, which of right belonged to him; and that he did not intend to disturb the peace of the kingdom. His partisans every moment flocked to his standard: he was admitted into the city of York: and he was soon in such a situation as gave him hopes of succeeding in all his claims and pretensions. The marquis of Montague commanded in the northern counties; but from some mysterious reasons, which, as well as many other important transactions in that age, no historian has cleared

up, he totally neglected the beginnings of an insurrection which he ought to have esteemed so formidable. Warwick assembled an army at Leicester, with an intention of meeting and of giving battle to the enemy; but Edward, by taking another road, passed him unmolested, and presented himself before the gates of London. Had he here been refused admittance, he was totally undone: but there were many reasons which inclined the citizens to favor him. His numerous friends, issuing from their sanctuaries, were active in his cause; many rich merchants, who had formerly lent him money, saw no other chance for their payment but his restoration; the city dames who had been liberal of their favors to him, and who still retained an affection for this young and gallant prince, swayed their husbands and friends in his favor;<sup>63</sup> and above all, the archbishop of York, Warwick's brother, to whom the care of the city was committed, had secretly, from unknown reasons, entered into a correspondence with him; and he facilitated Edward's admission into London.

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<sup>60</sup> Comines, liv. iii. chap. 6.

<sup>61</sup> Comines, liv. iii. chap. 7.

The most likely cause which can be assigned for those multiplied infidelities, even in the family of Nevil itself, is the spirit of faction, which, when it becomes inveterate, it is very difficult for any man entirely to shake off. The persons who had long distinguished themselves in the York party, were unable to act with zeal and cordiality for the support of the Lancastrians; and they were inclined, by any prospect of favor or accommodation offered them by Edward, to return to their ancient connections. However this may be, Edward's entrance into London made him master not only of that rich and powerful city, but also of the person of Henry, who, destined to be the perpetual sport of fortune, thus fell again into the hands of his enemies.<sup>64</sup>

It appears not that Warwick, during his short administration, which had continued only six months, had been guilty of any unpopular act, or had anywise deserved to lose that general favor with which he had so lately overwhelmed Edward. But this prince, who was formerly on the defensive,

was now the aggressor; and having overcome the difficulties which always attend the beginnings of an insurrection, possessed many advantages above his enemy: his partisans were actuated by that zeal and courage which the notion of an attack inspires his opponents were intimidated for a like reason; every one who had been disappointed in the hopes which he had entertained from Warwick's elevation, either became a cool friend or an open enemy to that nobleman; and each malecontent, from whatever cause, proved an accession to Edward's army. The king, therefore, found himself in a condition to face the earl of Warwick; who, being reënforced by his son-in-law the duke of Clarence, and his brother the marquis of Montague, took post at Barnet, in the neighborhood of London. The arrival of Queen Margaret was every day expected, who would have drawn together all the genuine Lancastrians, and have brought a great accession to Warwick's forces: but this very consideration proved a motive to the earl rather to hurry on a decisive action than to share the victory with rivals and ancient enemies, who, he foresaw, would, in case of success, claim the chief merit in the enterprise.<sup>65</sup>

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<sup>62</sup> Grafton, p. 702.

<sup>63</sup> Comines, liv. iii. chap. 7.

But while his jealousy was always directed towards that side, he overlooked the dangerous infidelity of friends, who lay the nearest to his bosom. His brother Montague, who had lately temporized, seems now to have remained sincerely attached to the interests of his family: but his son-in-law, though bound to him by every tie of honor and gratitude, though he shared the power of the regency, though he had been invested by Warwick in all the honors and patrimony of the house of York, resolved to fulfil the secret engagements which he had formerly taken with his brother, and to support the interests of his own family: he deserted to the king in the night-time, and carried over a body of twelve thousand men along with him.<sup>66</sup> Warwick was now too far advanced to retreat; and as he rejected with disdain all terms of peace offered him by Edward and Clarence, he was obliged to hazard a general engagement. The battle was

fought with obstinacy on both sides: the two armies, in imitation of their leaders displayed uncommon valor; and the victory remained long undecided between them. But an accident threw the balance to the side of the Yorkists. Edward's cognizance was a sun; that of Warwick a star with rays; and the mistiness of the morning rendering it difficult to distinguish them, the earl of Oxford, who fought on the side of the Lancastrians, was by mistake attacked by his friends, and chased off the field of battle.<sup>67</sup> Warwick, contrary to his more usual practice, engaged that day on foot, resolving to show his army that he meant to share every fortune with them; and he was slain in the thickest of the engagement;<sup>68</sup> his brother underwent the same fate; and as Edward had issued orders not to give any quarter, a great and undistinguished slaughter was made in the pursuit. There fell about one thousand five hundred on the side of the victors.

The same day on which this decisive battle was fought,<sup>69</sup> Queen Margaret and her son, now about eighteen years of age, and a young prince of great hopes, landed at Weymouth, supported by a small body of French forces.

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<sup>64</sup> Grafton, p 700. Comines, liv. iii. chap. 7. Leland's Collect. vol. ii. p. 505.

<sup>65</sup> Habington, p. 449.

<sup>66</sup> Comines, liv. iii. chap. 7.

<sup>67</sup> Leland's Collect, vol. ii. p. 505.

When this princess received intelligence of her husband's captivity, and of the defeat and death of the earl of Warwick, her courage which had supported her under so many disastrous events, here quite left her; and she immediately foresaw all the dismal consequences of this calamity. At first she took sanctuary in the abbey of Beaulieu;<sup>70</sup> but being encouraged by the appearance of Tudor, earl of Pembroke, and Courtney, earl of Devonshire, of the Lords Wenlock and St. John, with other men of rank, who exhorted her still to hope for success, she resumed her former spirit, and determined to defend to the utmost the ruins of her fallen fortunes. She advanced through the counties of Devon, Somerset, and Gloucester, increasing her army on each day's march; but was at last overtaken by the

rapid and expeditious Edward, at Tewkesbury, on the banks of the Severn. The Lancastrians were here totally defeated: the earl of Devonshire and Lord Wenlock were killed in the field: the duke of Somerset, and about twenty other persons of distinction, having taken shelter in a church, were surrounded, dragged out, and immediately beheaded: about three thousand of their side fell in battle: and the army was entirely dispersed.

Queen Margaret and her son were taken prisoners, and brought to the king, who asked the prince, after an insulting manner, how he dared to invade his dominions. The young prince, more mindful of his high birth than of his present fortune, replied, that he came thither to claim his just inheritance. The ungenerous Edward, insensible to pity, struck him on the face with his gauntlet; and the dukes of Clarence and Gloucester, Lord Hastings, and Sir Thomas Gray, taking the blow as a signal for further violence, hurried the prince into the next apartment, and there despatched him with their daggers.<sup>71</sup> Margaret was thrown into the Tower: King Henry expired in that confinement a few days after the battle of Tewkesbury; but whether he died a natural or violent death is uncertain. It is pretended, and was generally believed, that the duke of Gloucester killed him with his own hands:<sup>72</sup> but the universal odium which that prince had incurred, inclined perhaps the nation to aggravate his crimes without any sufficient authority.

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<sup>68</sup> Hall, fol. 219. Habington, p. 451. Grafton, p. 706. Polyd. Virg. p. 528.

<sup>69</sup> Hall, fol. 221. Habington, p. 453. Holingshed, p. 688. Polyd. Virg. p. 530.

<sup>70</sup> Comines. Hall, fol. 228. Grafton, p. 703.

It is certain, however, that Henry's death was sudden; and though he labored under an ill state of health, this circumstance, joined to the general manners of the age, gave a natural ground, of suspicion; which was rather increased than diminished by the exposing of his body to public view. That precaution served only to recall many similar instances in the English history, and to suggest the comparison.

All the hopes of the house of Lancaster seemed now to be utterly extinguished. Every legitimate prince of that family was dead: almost every

great leader of the party had perished in battle or on the scaffold: the earl of Pembroke, who was levying forces in Wales, disbanded his army when he received intelligence of the battle of Tewkesbury; and he fled into Brittany with his nephew, the young earl of Richmond.<sup>73</sup> The bastard of Falconberg, who had levied some forces, and had advanced to London during Edward's absence, was repulsed; his men deserted him; he was taken prisoner and immediately executed:<sup>74</sup> and peace being now fully restored to the nation, a parliament was summoned, which ratified as usual, all the acts of the victor, and recognized his legal authority.

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<sup>71</sup> Habington, p. 454. Polyd. Virg. p. 531.

<sup>72</sup> Holingshed, p. 689, 690, 693. Hist. Croyl. Cont. p. 554.

But this prince, who had been so firm, and active, and intrepid during the course of adversity, was still unable to resist the allurements of a prosperous fortune; and he wholly devoted himself, as before, to pleasure and amusement, after he became entirely master of his kingdom, and had no longer any enemy who could give him anxiety or alarm. He recovered, however, by this gay and inoffensive course of life, and by his easy, familiar manners, that popularity which, it is natural to imagine, he had lost by the repeated cruelties exercised upon his enemies; and the example also of his jovial festivity served to abate the former acrimony of faction among his subjects, and to restore the social disposition which had been so long interrupted between the opposite parties. All men seemed to be fully satisfied with the present government; and the memory of past calamities served only to impress the people more strongly with a sense of their allegiance, and with the resolution of never incurring any more the hazard of renewing such direful scenes.

But while the king was thus indulging himself in pleasure, he was <sup>1474</sup> roused from his lethargy by a prospect of foreign conquests, which, it is probable, his desire of popularity, more than the spirit of ambition, had made him covet. Though he deemed himself little beholden to the duke of Burgundy for the reception which that prince had given him during his exile,<sup>75</sup> the political interests of their states maintained still a close

connection between them; and they agreed to unite their arms in making a powerful invasion on France. A league was formed, in which Edward stipulated to pass the seas with an army exceeding ten thousand men, and to invade the French territories: Charles promised to join him with all his forces: the king was to challenge the crown of France, and to obtain at least the provinces of Normandy and Guienne; the duke was to acquire Champagne and some other territories, and to free all his dominions from the burden of homage to the crown of France: and neither party was to make peace without the consent of the other.<sup>76</sup> They were the more encouraged to hope for success from this league, as the count of St. Pol, constable of France, who was master of St. Quintin and other towns on the Somme, had secretly promised to join them; and there were also hopes of engaging the duke of Brittany to enter into the confederacy.

The prospect of a French war was always a sure means of making the parliament open their purses, as far as the habits of that age would permit. They voted the king a tenth of rents, or two shillings in the pound; which must have been very inaccurately levied, since it produced only thirty-one thousand four hundred and sixty pounds; and they added to this supply a whole fifteenth, and three quarters of another;<sup>77</sup> but as the king deemed these sums still unequal to the undertaking, he attempted to levy money by way of benevolence, a kind of exaction which, except during the reigns of Henry III. and Richard II., had not been much practised in former times, and which, though the consent of the parties was pretended to be gained, could not be deemed entirely voluntary.<sup>78</sup>

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<sup>73</sup> Comines, liv. iii. chap. 7.

<sup>74</sup> Rymer, vol. xi p. 806, 807, 808, etc.

<sup>75</sup> Cotton, p. 696, 700. Hist. Croyl. Cont. p. 558.

<sup>76</sup> Hall, fol. 226. Habington, p. 461. Grafton, p. 719. Fabian, fol. 221.

The clauses annexed to the parliamentary grant show sufficiently the spirit of the nation in this respect. The money levied by the fifteenth was not to be put into the king's hands but to be kept in religious houses; and if the expedition into France should not take place, it was immediately to be



refunded to the people. After these grants, the parliament was dissolved, which had sitted near two years and a half, and had undergone several prorogations; a practice not very usual at that time in England.

The king passed over to Calais with an army of one thousand five <sup>1475</sup> hundred men at arms and fifteen thousand archers, attended by all the chief nobility of England, who, prognosticating future successes from the past, were eager to appear on this great theatre of honor.<sup>79</sup> But all their sanguine hopes were damped when they found, on entering the French territories, that neither did the constable open his gates to them, nor the duke of Burgundy bring them the smallest assistance. That prince, transported by his ardent temper, had carried all his armies to a great distance, and had employed them in wars on the frontiers of Germany, and against the duke of Lorraine: and though he came in person to Edward, and endeavored to apologize for this breach of treaty, there was no prospect that they would be able this campaign to make a conjunction with the English. This circumstance gave great disgust to the king, and inclined him to hearken to those advances which Lewis continually made him for an accommodation.

That monarch, more swayed by political views than by the point of honor, deemed no submissions too mean which might free him from enemies who had proved so formidable to his predecessors, and who, united to so many other enemies, might still shake the well-established government of France. It appears from Comines, that discipline was at this time very imperfect among the English; and that their civil wars, though long continued, yet, being always decided by hasty battles, had still left them ignorant of the improvements which the military art was beginning to receive upon the continent.<sup>80</sup>

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<sup>77</sup> Comines, liv. iv. chap. 5. This author says, (chap. 11,) that the king artfully brought over some of the richest of his subjects who, he knew, would be soon tired of the war, and would promote all proposals of peace, which he foresaw would be soon necessary.

<sup>78</sup> Comines, liv. iv. chap. 5.

But as Lewis was sensible that the warlike genius of the people would soon render them excellent soldiers, he was far from despising them for their present want of experience; and he employed all his art to detach them from the alliance of Burgundy. When Edward sent him a herald to claim the crown of France, and to carry him a defiance in case of refusal, so far from answering to <sup>81</sup> this bravado in like haughty terms, he replied with great temper, and even made the herald a considerable present:<sup>82</sup> he took afterwards an opportunity of sending a herald to the English camp; and having given him directions to apply to the Lords Stanley and Howard, who, he heard, were friends to peace, he desired the good offices of these noblemen in promoting an accommodation with their master.<sup>83</sup> As Edward was now fallen into like dispositions, a truce was soon concluded on terms more advantageous than honorable to Lewis. He stipulated to pay Edward immediately seventy-five thousand crowns, on condition that he should withdraw his army from France, and promised to pay him fifty thousand crowns a year during their joint lives: it was added, that the dauphin, when of age, should marry Edward's eldest daughter.<sup>84</sup> In order to ratify this treaty, the two monarchs agreed to have a personal interview; and for that purpose suitable preparations were made at Pecquigni, near Amiens. A close rail was drawn across a bridge in that place, with no larger intervals than would allow the arm to pass; a precaution against a similar accident to that which befell the duke of Burgundy in his conference with the dauphin at Montereau. Edward and Lewis came to the opposite sides; conferred privately together; and having confirmed their friendship, and interchanged many mutual civilities, they soon after parted.<sup>85</sup>

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<sup>79</sup> Comines, liv. iv. chap. 5. Hall, fol. 227.

<sup>80</sup> Comines, liv. iv. chap. 7.

<sup>81</sup> Rymer, vol. xii. p. 17.

<sup>82</sup> Comines, liv, iv, chap. 9.

Lewis was anxious not only to gain the king's friendship but also that of the nation, and of all the considerable persons in the English court. He bestowed pensions, to the amount of sixteen thousand crowns a year, on

several of the kings, favorites; on Lord Hastings two thousand crowns; on Lora Howard and others in proportion; and these great ministers were not ashamed thus to receive wages from a foreign prince. As the two armies, after the conclusion of the truce remained some time in the neighborhood of each other, the English were not only admitted freely into Amiens, where Lewis resided, but had also their charges defrayed, and had wine and victuals furnished them in every inn, without any payment being demanded. They flocked thither in such multitude that once above nine thousand of them were in the town, and they might have made themselves masters of the king's person; but Lewis, concluding from their jovial and dissolute manner of living, that they had no bad intentions, was careful not to betray the least sign of fear or jealousy. And when Edward, informed of this disorder, desired him to shut the gates against them, he replied, that he would never agree to exclude the English from the place where he resided; but that Edward, if he pleased, might recall them, and place his own officers at the gates of Amiens to prevent their returning.<sup>86</sup>.....

Lewis's desire of confirming a mutual amity with England, engaged him even to make imprudent advances, which it cost him afterwards some pains to evade. In the conference at Pecquigni he had said to Edward, that he wished to have a visit from him at Paris; that he would there endeavor to amuse him with the ladies; and that, in case any offences were then committed, he would assign him the cardinal of Bourbon for confessor, who, from fellow-feeling, would not be over and above severe in the penances which he would enjoin. This hint made deeper impression than Lewis intended. Lord Howard, who accompanied him back to Amiens, told him in confidence that, if he were so disposed it would not be impossible to persuade Edward to take a journey with him to Paris, where they might make merry together. Lewis pretended at first not to hear the offer; but on Howard's repeating it, he expressed his concern that his wars with the duke of Burgundy would not permit him to attend his royal guest, and do him the honors he intended "Edward," said he privately to Comines, "is a very handsome and a very amorous prince: some lady at Paris may like him as well as he shall do her; and may invite him to return in another manner. It is better that the sea be between us."<sup>87</sup>.....

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<sup>83</sup>..... Comines, liv. iv. chap. 9. Hall, fol. 233.

<sup>84</sup>..... Comines, liv. iv. chap. 10. Habington, p. 469.

This treaty did very little honor to either of these monarchs: it discovered the imprudence of Edward, who had taken his measures so ill with his allies, as to be obliged, after such an expensive armament, to return without making any acquisitions adequate to it: it showed the want of dignity in Lewis who, rather than run the hazard of a battle, agreed to subject his kingdom to a tribute, and thus acknowledge the superiority of a neighboring prince possessed of less power and territory than himself. But as Lewis made interest the sole test of honor, he thought that all the advantages of the treaty were on his side, and that he had overreached Edward, by sending him out of France on such easy terms. For this reason he was very solicitous to conceal his triumph; and he strictly enjoined his courtiers never to show the English the least sign of mockery or derision. But he did not himself very carefully observe so prudent a rule: he could not forbear, one day, in the joy of his heart, throwing out some raillery on the easy simplicity of Edward and his council; when he perceived that he was overheard by a Gascon, who had settled in England. He was immediately sensible of his indiscretion; sent a message to the gentleman; and offered him some advantages in his own country, as engaged him to remain in France. "It is but just," said he, "that I pay the penalty of my talkativeness."<sup>88</sup>.....

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<sup>85</sup>..... Comines, liv. iii. chap. 10.

The most honorable part of Lewis's treaty with Edward was the stipulation for the liberty of Queen Margaret, who, though after the death of her husband and son she could no longer be formidable to government, was still detained in custody by Edward. Lewis paid fifty thousand crowns for her ransom; and that princess, who had been so active on the stage of the world, and who had experienced such a variety of fortune, passed the remainder of her days in tranquility and privacy, till the year 1482, when

she died; an admirable princess, but more illustrious by her undaunted spirit in adversity, than by her moderation in prosperity. She seems neither to have enjoyed the virtues, nor been subject to the weaknesses, of her sex; and was as much tainted with the ferocity as endowed with the courage of that barbarous age in which she lived.

Though Edward had so little reason to be satisfied with the conduct of the duke of Burgundy, he reserved to that prince a power of acceding to the treaty of Pecquigni: but Charles, when the offer was made him, haughtily replied, that he was able to support himself without the assistance of England, and that he would make no peace with Lewis till three months after Edward's return into his own country. This prince possessed all the ambition and courage of a conqueror; but being defective in policy and prudence, qualities no less essential, he was unfortunate in all his enterprises; and perished at last in battle against the Swiss;<sup>89</sup> a people whom he despised, and who, though brave and free, had hitherto been in a manner overlooked in the general system of Europe. This event, which happened in the year 1477, produced a great alteration in the views of all the princes, and was attended with consequences which were felt for many generations. Charles left only one daughter, Mary, by his first wife; and this princess, being heir of his opulent and extensive dominions, was courted by all the potentates of Christendom, who contended for the possession of so rich a prize. Lewis, the head of her family, might, by a proper application, have obtained this match for the dauphin, and have thereby united to the crown of France all the provinces of the Low Countries, together with Burgundy, Artois, and Picardy; which would at once have rendered his kingdom an overmate for all its neighbors. But a man wholly interested is as rare as one entirely endowed with the opposite quality; and Lewis, though impregnable to all the sentiments of generosity and friendship, was, on this occasion, carried from the road of true policy by the passions of animosity and revenge. He had imbibed so deep a hatred to the house of Burgundy, that he rather chose to subdue the princess by arms, than unite her to his family by marriage: he conquered the duchy of Burgundy and that part of Picardy which had been ceded to Philip the Good by the treaty of Arras: but he thereby forced the states of the Netherlands to bestow their sovereign in marriage on Maximilian of Austria, son of the emperor Frederick, from whom they looked for

protection in their present distresses: and by these means, France lost the opportunity, which she never could recall, of making that important acquisition of power and territory.

During this interesting crisis, Edward was no less defective in policy, and was no less actuated by private passions, unworthy of a sovereign and a statesman. Jealousy of his brother Clarence had caused him to neglect the advances which were made of marrying that prince, now a widower, to the heiress of Burgundy;<sup>86</sup> and he sent her proposals of espousing Anthony, earl of Rivers, brother to his queen, who still retained an entire ascendant over him.

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<sup>86</sup> Comines, liv. v. chap. 8.

<sup>87</sup> Polyd. Virg. Hall, fol. 240. Holingshed, p. 703. Habington p. 474. Grafton, p. 742.

But the match was rejected with disdain;<sup>81</sup> and Edward, resenting this treatment of his brother-in-law, permitted France to proceed without interruption in her conquests over his defenceless ally. Any pretence sufficed him for abandoning himself entirely to indolence and pleasure, which were now become his ruling passions. The only object which divided his attention was the improving of the public revenue, which had been dilapidated by the necessities or negligence of his predecessors; and some of his expedients for that purpose, though unknown to us, were deemed, during the time, oppressive to the people.<sup>92</sup> The detail of private wrongs naturally escapes the notice of history; but an act of tyranny of which Edward was guilty in his own family, has been taken notice of by all writers, and has met with general and deserved censure.

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<sup>88</sup> Hall, fol. 240.

<sup>89</sup> Hall, p. 241. Hist. Croyl. Cont. p, 559.

The duke of Clarence, by all his services in deserting Warwick, had never been able to regain the king's friendship, which he had forfeited by his

former confederacy with that nobleman. He was still regarded at court as a man of a dangerous and a fickle character; and the imprudent openness and violence of his temper, though it rendered him much less dangerous, tended extremely to multiply his enemies, and to incense them against him. Among others, he had had the misfortune to give displeasure to the queen herself, as well as to his brother, the duke of Gloucester, a prince of the deepest policy, of the most unrelenting ambition, and the least scrupulous in the means which he employed for the attainment of his ends. A combination between these potent adversaries being secretly formed against Clarence, it was determined to begin by attacking his friends; in hopes that, if he patiently endured this injury, his pusillanimity would dishonor him in the eyes of the public; if he made resistance, and expressed resentment, his passion would betray him into measures which might give them advantages against him. The king, hunting one day in the park of Thomas Burdet, of Arrow, in Warwickshire, had killed a white buck, which was a great favorite of the owner; and Burdet, vexed at the loss, broke into a passion, and wished the horns of the deer in the belly of the person who had advised the king to commit that insult upon him. This natural expression of resentment, which would have been overlooked or forgotten had it fallen from any other person, was rendered criminal and capital in that gentleman, by the friendship in which he had the misfortune to live with the duke of Clarence; he was tried for his life; the judges and jury were found servile enough to condemn him and he was publicly beheaded at Tyburn for this pretended offence.<sup>93</sup> About the same time, one John Stacey, an ecclesiastic, much connected with the duke as well as with Burdet, was exposed to a like iniquitous and barbarous prosecution. This clergyman, being more learned in mathematics and astronomy than was usual in that age, lay under the imputation of necromancy with the ignorant vulgar; and the court laid hold of this popular rumor to effect his destruction. He was brought to his trial for that imaginary crime; many of the greatest peers countenanced the prosecution by their presence; he was condemned, put to the torture, and executed.<sup>94</sup>

The duke of Clarence was alarmed when he found these acts of tyranny exercised on all around him: he reflected on the fate of the good duke of Gloucester, in the last reign, who, after seeing the most infamous pretences employed for the destruction of his nearest connections, at last

fell himself a victim to the vengeance of his enemies. But Clarence, instead of securing his own life against the present danger by silence and reserve, was open and loud in justifying the innocence of his friends, and in exclaiming against the iniquity of their prosecutors.

The king, highly offended with his freedom, or using that pretence <sup>1478</sup>. against him, committed him to the Tower,<sup>95</sup> summoned a parliament, and tried him for his life before the house of peers, the supreme tribunal of the nation.

The duke was accused of arraiging public justice, by maintaining the innocence of men who had been condemned in courts of judicature, and or inveighing against the iniquity of the king, who had given orders for their prosecution.<sup>96</sup>

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<sup>90</sup> Habington, p. 475. Holingshed, p. 703. Sir Thomas More in Kennet, p. 498.

<sup>91</sup> Hist. Croyl. Cont. p. 561.

<sup>92</sup> Hist Croyl. Cont. p. 562.

<sup>93</sup> Stowe, p. 430.

Many rash expressions were imputed to him, and some, too, reflecting on Edward's legitimacy; but he was not accused of any overt act of treason; and even the truth of these speeches may be doubted of, since the liberty of judgment was taken from the court, by the king's appearing personally as his brother's accuser,<sup>97</sup> and pleading the cause against him. But a sentence of condemnation, even when this extraordinary circumstance had not place, was a necessary consequence, in those times, of any prosecution by the court or the prevailing party; and the duke of Clarence was pronounced guilty by the peers. The house of commons were no less slavish and unjust: they both petitioned for the execution of the duke, and afterwards passed a bill of attainder against him.<sup>98</sup> The measures of the parliament, during that age, furnish us with examples of a strange contrast of freedom and servility: they scruple to grant, and sometimes refuse, to the king the smallest supplies, the most necessary for the support of government, even the most necessary for the maintenance of wars, for



which the nation, as well as the parliament itself, expressed great fondness: but they never scruple to concur in the most flagrant act of injustice or tyranny which falls on any individual, however distinguished by birth or merit. These maxims, so ungenerous, so opposite to all principles of good government, so contrary to the practice of present parliaments, are very remarkable in all the transactions of the English history for more than a century after the period in which we are now engaged.

The only favor which the king granted his brother after his condemnation, was to leave him the choice of his death; and he was privately drowned in a butt of malmsey in the Tower; a whimsical choice, which implies that he had an extraordinary passion for that liquor. The duke left two children by the elder daughter of the earl of Warwick; a son, created an earl by his grandfather's title, and a daughter, afterwards countess of Salisbury. Both this prince and princess were also unfortunate in their end, and died a violent death; a fate which, for many years, attended almost all the descendants of the royal blood in England. There prevails a report, that a chief source of the violent prosecution of the duke of Clarence, whose name was George, was a current prophecy, that the king's son should be murdered by one, the initial letter of whose name was G.<sup>99</sup> It is not impossible but, in those ignorant times, such a silly reason might have some influence; but it is more probable that the whole story is the invention of a subsequent period, and founded on the murder of these children by the duke of Gloucester. Comines remarks, that at that time the English never were without some superstitious prophecy or other, by which they accounted for every event.

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<sup>94</sup> Hist. Croyl. Cont. p. 562.

<sup>95</sup> Stowe, p. 430. Hist. Croyl. Cont. p. 562.

<sup>96</sup> Hall, fol. 239. Holingshed, p. 703. Grafton, p. 741. Polyd. Virg. p. 537. Sir Thomas More in Kennet, p. 497.

All the glories of Edward's reign terminated with the civil wars, where his laurels, too, were extremely sullied with blood, violence, and cruelty. His

spirit seems afterwards to have been sunk in indolence and pleasure, or his measures were frustrated by imprudence and the want of foresight. There was no object on which he was more intent than to have all his daughters settled by splendid marriages, though most of these princesses were yet in their infancy, and though the completion of his views, it was obvious, must depend on numberless accidents, which were impossible to be foreseen or prevented. His eldest daughter, Elizabeth, was contracted to the dauphin; his second, Cicely, to the eldest son of James III., king of Scotland; his third, Anne, to Philip, only son of Maximilian and the duchess of Burgundy; his fourth, Catharine, to John, son and heir to Ferdinand, king of Arragon, and Isabella, queen of Castile.<sup>100</sup> None of these projected marriages took place; and the king himself saw in his lifetime the rupture of the first, that with the dauphin, for which he had always discovered a peculiar fondness. Lewis, who paid no regard to treaties or engagements, found his advantage in contracting the dauphin to the princess Margaret, daughter of Maximilian, and the king, notwithstanding his indolence, prepared to revenge the indignity.

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<sup>97</sup> Rymer, vol. xi. p. 110.

The French monarch, eminent for prudence as well as perfidy, <sup>1482</sup> endeavored to guard against the blow; and by a proper distribution of presents in the court of Scotland, he incited James to make war upon England. This prince, who lived on bad terms with his own nobility, and whose force was very unequal to the enterprise, levied an army; but when he was ready to enter England, the barons, conspiring against his favorites, put them to death without trial; and the army presently disbanded. The duke of Gloucester, attended by the duke of Albany, James's brother, who had been banished his country, entered Scotland at the head of an army, took Berwick, and obliged the Scots to accept of a peace, by which they resigned that fortress to Edward. This success imboldened the king to think more seriously of a French war; but while he was making preparations for that enterprise, he was seized with a distemper, of which he expired in the forty-second year of his age, and the twenty-third of his reign; a prince more splendid and showy than either prudent or virtuous;

brave, though cruel; addicted to pleasure, though capable of activity in great emergencies; and less fitted to prevent ills by wise precautions, than to remedy them, after they took place, by his vigor and enterprise. Besides five daughters, this king left two sons; Edward, prince of Wales, his successor, then in his thirteenth year and Richard, duke of York, in his ninth.



## CHAPTER 23.

### EDWARD V. AND RICHARD III.

**D**uring the latter years of Edward IV., the nation having in a <sup>1483</sup>. great measure forgotten the bloody feuds between the two roses, and peaceably acquiescing in the established government, was agitated only by some court intrigues, which, being restrained by the authority of the king, seemed nowise to endanger the public tranquillity. These intrigues arose from the perpetual rivalship between two parties; one consisting of the queen and her relations, particularly the earl of Rivers, her brother, and the marquis of Dorset, her son; the other composed of the ancient nobility, who envied the sudden growth and unlimited credit of that aspiring family.<sup>1</sup>

At the head of this latter party was the duke of Buckingham, a man of very noble birth, of ample possessions, of great alliances, of shining parts; who, though he had married the queen's sister, was too haughty to act in subserviency to her inclinations, and aimed rather at maintaining an independent influence and authority. Lord Hastings, the chamberlain, was another leader of the same party; and as this nobleman had, by his bravery and activity, as well as by his approved fidelity, acquired the confidence and favor of his master, he had been able, though with some difficulty, to support himself against the credit of the queen. The lords Howard and Stanley maintained a connection with these two noblemen, and brought a considerable accession of influence and reputation to their party. All the other barons, who had no particular dependence on the queen, adhered to the same interest; and the people in general, from their natural envy against the prevailing power, bore great favor to the cause of these noblemen.

But Edward knew that, though he himself had been able to overawe those rival factions, many disorders might arise from their contests during the minority of his son; and he therefore took care, in his last illness, to summon together several of the leaders on both sides, and by composing

their ancient quarrels, to provide, as far as possible, for the future tranquillity of the government. After expressing his intentions, that his brother, the duke of Gloucester, then absent in the north, should be intrusted with the regency, he recommended to them peace and unanimity during the tender years of his son; represented to them the dangers which must attend the continuance of their animosities; and engaged them to embrace each other with all the appearance of the most cordial reconciliation. But this temporary or feigned agreement lasted no longer than the king's life; he had no sooner expired, than the jealousies of the parties broke out afresh; and each of them applied, by separate messages, to the duke of Gloucester, and endeavored to acquire his favor and friendship.

This prince, during his brother's reign, had endeavored to live on good terms with both parties; and his high birth, his extensive abilities, and his great services, had enabled him to support himself without falling into a dependence on either. But the new situation of affairs, when the supreme power was devolved upon him, immediately changed his measures; and he secretly determined to preserve no longer that neutrality which he had hitherto maintained. His exorbitant ambition, unrestrained by any principle either of justice or humanity; made him carry his views to the possession of the crown itself; and as this object could not be attained without the ruin of the queen and her family, he fell, without hesitation, into concert with the opposite party. But being sensible that the most profound dissimulation was requisite for effecting his criminal purposes, he redoubled his professions of zeal and attachment to that princess; and he gained such credit with her as to influence her conduct in a point which, as it was of the utmost importance, was violently disputed between the opposite factions.

The young king, at the time of his father's death, resided in the Castle of Ludlow, on the borders of Wales; whither he had been sent, that the influence of his presence might overawe the Welsh, and restore the tranquillity of that country, which had been disturbed by some late commotions. His person was committed to the care of his uncle, the earl of Rivers, the most accomplished nobleman in England, who, having united an uncommon taste for literature<sup>2</sup> to great abilities in business and valor

in the field was entitled by his talents, still more than by nearness of blood, to direct the education of the young monarch. The queen, anxious to preserve that ascendant over her son which she had long maintained over her husband, wrote to the earl of Rivers, that he should levy a body of forces, in order to escort the king to London, to protect him during his coronation, and to keep him from falling into the hands of their enemies. The opposite faction, sensible that Edward was now of an age when great advantages could be made of his name and countenance, and was approaching to the age when he would be legally entitled to exert in person his authority, foresaw that the tendency of this measure was to perpetuate their subjection under their rivals; and they vehemently opposed a resolution which they represented as the signal for renewing a civil war in the kingdom. Lord Hastings threatened to depart instantly to his government of Calais:<sup>3</sup> the other nobles seemed resolute to oppose force by force: and as the duke of Gloucester, on pretence of pacifying the quarrel, had declared against all appearance of an armed power, which might be dangerous, and was nowise necessary; the queen, trusting to the sincerity of his friendship, and overawed by so violent an opposition, recalled her orders to her brother, and desired him to bring up no greater retinue than should be necessary to support the state and dignity of the young sovereign.<sup>4</sup>

The duke of Gloucester, meanwhile, set out from York, attended by a numerous train of the northern gentry. When he reached Northampton, he was joined by the duke of Buckingham, who was also attended by a splendid retinue; and as he heard that the king was hourly expected on that road, he resolved to await his arrival, under color of conducting him thence in person to London. The earl of Rivers, apprehensive that the place would be too narrow to contain so many attendants, sent his pupil forward by another road to Stony Stratford; and came himself to Northampton, in order to apologize for this measure, and to pay his respects to the duke of Gloucester. He was received with the greatest appearance of cordiality: he passed the evening in an amicable manner with Gloucester and Buckingham: he proceeded on the road with them next day to join the king: but as he was entering Stony Stratford, he was arrested by orders from the duke of Gloucester:<sup>5</sup> Sir Richard Gray, one of the queen's sons, was at the same time put under a guard, together with

Sir Thomas Vaughan, who possessed a considerable office in the king's household; and all the prisoners were instantly conducted to Pomfret. Gloucester approached the young prince with the greatest demonstrations of respect; and endeavored to satisfy him with regard to the violence committed on his uncle and brother: but Edward, much attached to these near relations, by whom he had been tenderly educated, was not such a master of dissimulation as to conceal his displeasure.<sup>6</sup>

The people, however, were extremely rejoiced at this revolution; and the duke was received in London with the loudest acclamations: but the queen no sooner received intelligence of her brother's imprisonment, than she foresaw that Gloucester's violence would not stop there, and that her own ruin, if not that of all her children, was finally determined. She therefore fled into the sanctuary of Westminster, attended by the marquis of Dorset; and she carried thither the five princesses, together with the duke of York.<sup>7</sup> She trusted that the ecclesiastical privileges, which had formerly, during the total ruin of her husband and family, given her protection against the fury of the Lancastrian faction, would not now be violated by her brother-in-law, while her son was on the throne; and she resolved to await there the return of better fortune. But Gloucester, anxious to have the duke of York in his power, proposed to take him by force from the sanctuary; and he represented to the privy council both the indignity put upon the government by the queen's ill-grounded apprehensions, and the necessity of the young prince's appearance at the ensuing coronation of his brother. It was further urged, that ecclesiastical privileges were originally intended only to give protection to unhappy men persecuted for their debts or crimes; and were entirely useless to a person who, by reason of his tender age, could lie under the burden of neither, and who, for the same reason, was utterly incapable of claiming security from any sanctuary. But the two archbishops, Cardinal Bouchier, the primate, and Rotherhand, archbishop of York, protesting against the sacrilege of this measure, it was agreed that they should first endeavor to bring the queen to compliance by persuasion, before any violence should be employed against her. These prelates were persons of known integrity and honor; and being themselves entirely persuaded of the duke's good intentions, they employed every argument, accompanied with earnest entreaties, exhortations, and assurances, to bring her over to the same opinion. She

long continued obstinate, and insisted that the duke of York, by living in the sanctuary, was not only secure himself, but gave security to the king, whose life no one would dare to attempt while his successor and avenger remained in safety. But finding that none supported her in these sentiments, and that force, in case of refusal, was threatened by the council, she at last complied, and produced her son to the two prelates. She was here on a sudden struck with a kind of presage of his future fate: she tenderly embraced him; she bedewed him with her tears; and bidding him an eternal adieu, delivered him, with many expressions of regret and reluctance, into their custody.<sup>8</sup>

The duke of Gloucester, being the nearest male of the royal family capable of exercising the government, seemed entitled, by the customs of the realm, to the office of protector; and the council, not waiting for the consent of parliament, made no scruple of investing him with that high dignity.<sup>9</sup> The general prejudice entertained by the nobility against the queen and her kindred, occasioned this precipitation and irregularity; and no one foresaw any danger to the succession, much less to the lives of the young princes, from a measure so obvious and so natural. Besides that the duke had hitherto been able to cover, by the most profound dissimulation, his fierce and savage nature, the numerous issue of Edward, together with the two children of Clarence, seemed to be an eternal obstacle to his ambition; and it appeared equally impracticable for him to destroy so many persons possessed of a preferable title, and imprudent to exclude them. But a man who had abandoned all principles of honor and humanity, was soon carried by his predominant passion beyond the reach of fear or precaution; and Gloucester, having so far succeeded in his views, no longer hesitated in removing the other obstructions which lay between him and the throne. The death of the earl of Rivers, and of the other prisoners detained in Pomfret, was first determined; and he easily obtained the consent of the duke of Buckingham, as well as of Lord Hastings, to this violent and sanguinary measure. However easy it was, in those times, to procure a sentence against the most innocent person, it appeared still more easy to despatch an enemy without any trial or form of process; and orders were accordingly issued to Sir Richard Ratcliffe, a proper instrument in the hands of this tyrant, to cut off the heads of the prisoners. The protector then assailed the fidelity of Buckingham by all the



arguments capable of swaying a vicious mind, which knew no motive of action but interest and ambition. He represented that the execution of persons so nearly related to the king, whom that prince so openly professed to love, and whose fate he so much resented, would never pass unpunished; and all the actors in that scene were bound in prudence to prevent the effects of his future vengeance: that it would be impossible to keep the queen forever at a distance from her son, and equally impossible to prevent her from instilling into his tender mind the thoughts of retaliating, by like executions, the sanguinary insults committed on her family: that the only method of obviating these mischiefs was to put the sceptre in the hands of a man of whose friendship the duke might be assured, and whose years and experience taught him to pay respect to merit and to the rights of ancient nobility: and that the same necessity which had carried them so far in resisting the usurpation of these intruders, must justify them in attempting further innovations, and in making, by national consent, a new settlement of the succession. To these reasons he added the offers of great private advantages to the duke of Buckingham; and he easily obtained from him a promise of supporting him in all his enterprises.

The duke of Gloucester, knowing the importance of gaining Lord Hastings, sounded at a distance his sentiments, by means of Catesby, a lawyer, who lived in great intimacy with that nobleman; but found him impregnable in his allegiance and fidelity to the children of Edward, who had ever honored him with his friendship.<sup>10</sup> He saw, therefore, that there were no longer any measures to be kept with him; and he determined to ruin utterly the man whom he despaired of engaging to concur in his usurpation. On the very day when Rivers, Gray, and Vaughan were executed, or rather murdered, at Poinfret by the advice of Hastings, the protector summoned a council in the Tower; whither that nobleman, suspecting no design against him, repaired without hesitation.

The duke of Gloucester was capable of committing the most bloody and treacherous murders with the utmost coolness and indifference. On taking his place at the council-table, he appeared in the easiest and most jovial humor imaginable. He seemed to indulge himself in familiar conversation with the counsellors, before they should enter on business, and having

paid some compliments to Morton, bishop of Ely, on the good and early strawberries which he raised in his garden at Holborn, he begged the favor of having a dish of them, which that prelate immediately despatched a servant to bring to him. The protector then left the council, as if called away by some other business; but soon after returning with an angry and inflamed countenance, he asked them, what punishment those deserved that had plotted against his life, who was so nearly related to the king, and was intrusted with the administration of government. Hastings replied, that they merited the punishment of traitors. "*These traitors,*" cried the protector, "*are the sorceress, my brother's wife, and Jane Shore, his mistress, with others their associates: see to what a condition they have reduced me by their incantations and witchcraft:*" upon which he laid bare his arm, all shrivelled and decayed. But the counsellors, who knew that this infirmity had attended him from his birth, looked on each other with amazement; and, above all, Lord Hastings, who, as he had since Edward's death engaged in an intrigue with Jane Shore,<sup>11</sup> was naturally anxious concerning the issue of these extraordinary proceedings.

"Certainly, my lord," said he, "if they be guilty of these crimes, they deserve the severest punishment." "And do you reply to me," exclaimed the protector, "with your ifs and your ands? You are the chief abettor of that witch, Shore: you are yourself a traitor; and I swear by St. Paul, that I will not dine before your head be brought me," He struck the table with his hand: armed men rushed in at the signal: the counsellors were thrown into the utmost consternation: and one of the guards, as if by accident or mistake, aimed a blow with a pole-axe at Lord Stanley, who, aware of the danger, slunk under the table; and though he saved his life, he received a severe wound in the head, in the protector's presence. Hastings was seized, was hurried away, and instantly beheaded on a timber-log, which lay in the court of the Tower.<sup>12</sup> Two hours after, a proclamation, well penned, and fairly written, was read to the citizens of London, enumerating his offenses, and apologizing to them, from the suddenness of the discovery, for the sudden execution of that nobleman, who was very popular among them; but the saying of a merchant was much talked of on the occasion, who remarked, that the proclamation was certainly drawn by the spirit of prophecy.<sup>13</sup>

Lord Stanley, the archbishop of York, the bishop of Ely, and other counsellors, were committed prisoners in different chambers of the Tower; and the protector, in order to carry on the farce of his accusations, ordered the goods of Jane Shore to be seized; and he summoned her to answer before the council for sorcery and witchcraft. But as no proofs, which could be received even in that ignorant age, were produced against her, he directed her to be tried in the spiritual court for her adulteries and lewdness; and she did penance in a white sheet in St. Paul's, before the whole people. This lady was born of reputable parents in London, was well educated, and married to a substantial citizen; but unhappily views of interest, more than the maid's inclinations, had been consulted in the match, and her mind, though framed for virtue, had proved unable to resist the allurements of Edward, who solicited her favors. But while seduced from her duty by this gay and amorous monarch, she still made herself respectable by her other virtues; and the ascendant which her charms and vivacity long maintained over him, was all employed in acts of beneficence and humanity. She was still forward to oppose calumny, to protect the oppressed, to relieve the indigent; and her good offices, the genuine dictates of her heart, never waited the solicitation of presents, or the hopes of reciprocal services. But she lived not only to feel the bitterness of shame imposed on her by this tyrant, but to experience, in old age and poverty, the ingratitude of those courtiers who had long solicited her friendship, and been protected by her credit. No one, among the great multitudes whom she had obliged, had the humanity to bring her consolation or relief; she languished out her life in solitude and indigence; and amidst a court inured to the most atrocious crimes, the frail ties of this woman justified all violations of friendship towards her, and all neglect of former obligations.

These acts of violence, exercised against all the nearest connections of the late king, prognosticated the severest fate to his defenceless children; and after the murder of Hastings, the protector no longer made a secret of his intentions to usurp the crown. The licentious life of Edward, who was not restrained in his pleasures either by honor or prudence, afforded a pretence for declaring his marriage with the queen invalid, and all his posterity illegitimate. It was asserted that, before espousing the lady Elizabeth Gray, he had paid court to the lady Eleanor Talbot, daughter of

the earl of Shrewsbury; and being repulsed by the virtue of that lady, he was obliged, ere he could gratify his desires, to consent to a private marriage, without any witnesses, by Stillington, bishop of Bath, who afterwards divulged the secret.<sup>14</sup>.....

It was also maintained that the act of attainder passed against the duke of Clarence, had virtually incapacitated his children from succeeding to the crown; and these two families being set aside, the protector remained the only true and legitimate heir of the house of York. But as it would be difficult, if not impossible, to prove the preceding marriage of the late king, and as the rule which excludes the heirs of an attainted blood from private successions was never extended to the crown, the protector resolved to make use of another plea, still more shameful and scandalous. His partisans were taught to maintain, that both Edward IV. and the duke of Clarence were illegitimate; that the duchess of York had received different lovers into her bed, who were the fathers of these children, that, their resemblance to those gallants was a sufficient proof of their spurious birth; and that the duke of Gloucester alone, of all her sons, appeared by his features and countenance to be the true offspring of the duke of York. Nothing can be imagined more impudent than this assertion, which threw so foul an imputation on his own mother, a princess of irreproachable virtue, and then alive; yet the place chosen for first promulgating it was the pulpit, before a large congregation, and in the protector's presence. Dr. Shaw was appointed to preach in St. Paul's; and having chosen this passage for his text "Bastards lips shall not thrive," he enlarged on all the topics which could discredit the birth of Edward IV., the duke of Clarence, and of all their children. He then broke out in a panegyric on the duke of Gloucester; and exclaimed, "Behold this excellent prince, the express image of his noble father, the genuine descendant of the house of York; bearing no less in the virtues of his mind than in the features of his countenance the character of the gallant Richard, once your hero and favorite: he alone is entitled to your allegiance: he must deliver you from the dominion of all intruders: he alone can restore the lost glory and honor of the nation." It was previously concerted, that as the doctor should pronounce these words, the duke of Gloucester should enter the church; and it was expected that the audience would cry out, "God save King Richard;" which would immediately have been laid hold of as a popular consent, and interpreted

to be the voice of the nation; but by a ridiculous mistake, worthy of the whole scene, the duke did not appear till after this exclamation was already recited by the preacher. The doctor was therefore obliged to repeat his rhetorical figure out of its proper place: the audience, less from the absurd conduct of the discourse than from their detestation of these proceedings, kept a profound silence: and the protector and his preacher were equally abashed at the ill success of their stratagem.

But the duke was too far advanced to recede from his criminal and ambitious purpose. A new expedient was tried to work on the people. The mayor, who was brother to Dr. Shaw, and entirely in the protector's interests, called an assembly of the citizens; where the duke of Buckingham, who possessed some talents for eloquence, harangued them on the protector's title to the crown, and displayed those numerous virtues of which he pretended that prince was possessed. He next asked them whether they would have the duke for king; and then stopped, in expectation of hearing the cry, "God save King Richard." He was surprised to observe them silent; and turning about to the mayor, asked him the reason. The mayor replied, that perhaps they did not understand him. Buckingham then repeated his discourse with some variation. enforced the same topics, asked the same question, and was received with the same silence. "I now see the cause," said the mayor; "the citizens are not accustomed to be harangued by any but their recorder; and know not how to answer a person of your grace's quality." The recorder, Fitz-Williams, was then commanded to repeat the substance of the duke's speech; but the man, who was averse to the office, took care, throughout his whole discourse, to have it understood that he spoke nothing of himself, and that he only conveyed to them the sense of the duke of Buckingham. Still the audience kept a profound silence. "This is wonderful obstinacy," cried the duke: "express your meaning, my friends, one way or other: when we apply to you on this occasion, it is merely from the regard which we bear to you. The lords and commons have sufficient authority, without your consent, to appoint a king: but I require you here to declare, in plain terms, whether or not you will have the duke of Gloucester for your sovereign." After all these efforts, some of the meanest apprentices, incited by the protector's and Buckingham's servants, raised a feeble cry, "God save King Richard:"<sup>15</sup>..... the sentiments of the nation were now sufficiently declared: the voice of

the people was the voice of God: and Buckingham, with the mayor, hastened to Baynard's Castle, where the protector then resided, that they might make him a tender of the crown.

When Richard was told that a great multitude was in the court, he refused to appear to them, and pretended to be apprehensive for his personal safety; a circumstance taken notice of by Buckingham, who observed to the citizens that the prince was ignorant of the whole design. At last he was persuaded to step forth, but he still kept at some distance; and he asked the meaning of their intrusion and importunity. Buckingham told him that the nation was resolved to have him for king; the protector declared his purpose of maintaining his loyalty to the present sovereign, and exhorted them to adhere to the same resolution. He was told that the people had determined to have another prince; and if he rejected their unanimous voice, they must look out for one who would be more compliant. This argument was too powerful to be resisted: he was prevailed on to accept of the crown: and he thenceforth acted as legitimate and rightful sovereign.

This ridiculous force was soon after followed by a scene truly tragical; the murder of the two young princes. Richard gave orders to Sir Robert Brakenbury, constable of the Tower, to put his nephews to death; but this gentleman, who had sentiments of honor, refused to have any hand in the infamous office. The tyrant then sent for Sir James Tyrrel, who promised obedience: and he ordered Brakenbury to resign to this gentleman the keys and government of the Tower for one night. Tyrre, choosing three associates, Slater, Dighton, and Forest, came in the night-time to the door of the chamber where the princes were lodged; and sending in the assassins he bade them execute their commission, while he himself staid without. They found the young princes in bed, and fallen into a profound sleep. After suffocating them with the bolster and pillows, they showed their naked bodies to Tyrrel, who ordered them to be buried at the foot of the stairs, deep in the ground, under a heap of stones.<sup>16</sup> These circumstances were all confessed by the actors in the following reign; and they were never punished for the crime; probably because Henry, whose maxims of government were extremely arbitrary, desired to establish it as a principle, that the commands of the reigning sovereign ought to justify

every enormity in those who paid obedience to them. But there is one circumstance not so easy to be accounted for: it is pretended that Richard, displeased with the indecent manner of burying his nephews, whom he had murdered, gave his chaplain orders to dig up the bodies, and to inter them in consecrated ground; and as the man died soon after, the place of their burial remained unknown, and the bodies could never be found by any search which Henry could make for them. Yet in the reign of Charles II., when there was occasion to remove some stones and to dig in the very spot which was mentioned as the place of their first interment, the bones of two persons were there found, which by their size exactly corresponded to the age of Edward and his brother: they were concluded with certainty to be the remains of those princes, and were interred under a marble monument by orders of King Charles.<sup>17</sup> Perhaps Richard's chaplain had died before he found an opportunity of executing his master's commands; and the bodies being supposed to be already removed, a diligent search was not made for them by Henry in the place where they had been buried.

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<sup>1</sup> Sir Thomas More. p. 481.

<sup>2</sup> This nobleman first introduced the noble art of printing into England. Caxton was recommended by him to the patronage of Edward IV. See Catalogue of Royal and Noble Authors.

<sup>3</sup> Hist. Croyl. Cont. p. 564, 565.

<sup>4</sup> Sir Thomas More, p. 483.

<sup>5</sup> Sir Thomas More. p. 484.

<sup>6</sup> Hist. Croyl. Cont. p. 565.

<sup>7</sup> Sir Thomas More, p. 491.

<sup>8</sup> Hist. Croyl. Cont, p. 566.

<sup>9</sup> Sir Thomas More. p. 493.

<sup>10</sup> Sir Thomas More, who has been followed, or rather transcribed, by all the historians of this short reign, says, that Jane Shore had fallen into connections with Lord Hastings; and this account agrees best with the course of the events; but in a proclamation of Richard's, to be found in Rymer, vol. xii. p. 204, the marquis of Dorset is reproached with these

connections. This reproach, however, might have been invented by Richard, or founded only on popular rumor; and is not sufficient to overbalance the authority of Sir Thomas More. The proclamation is remarkable for the hypocritical purity of manners affected by Richard. This bloody and treacherous tyrant upbraids the marquis and others with their gallantries and intrigues as the most terrible enormities.]

<sup>11</sup>..... Hist Croyl. Cont. p. 566.

<sup>12</sup>..... Sir Thomas More, p. 496.

<sup>13</sup>..... Hist. Croyl. Cont. p. 567. Comines. Sir Thomas More, p. 482.

<sup>14</sup>..... Sir Thomas More, p. 496.

<sup>15</sup>..... Sir Thomas More, p. 501.

<sup>16</sup>..... Kennet, p. 551.





## CHAPTER 24.

### RICHARD III.

The first acts of Richard's administration were to bestow rewards on <sup>1483</sup> those who had assisted him in usurping the crown, and to gain by favors those who, he thought, were best able to support his future government. Thomas Lord Howard was created duke of Norfolk; Sir Thomas Howard, his son, earl of Surrey; Lord Lovel, a viscount by the same name; even Lord Stanley was set at liberty, and made steward of the household. This nobleman had become obnoxious by his first opposition to Richard's views, and also by his marrying the countess dowager of Richmond, heir of the Somerset family; but sensible of the necessity of submitting to the present government, he feigned such zeal for Richard's service, that he was received into favor, and even found means to be intrusted with the most important commands by that politic and jealous tyrant.

But the person who, both from the greatness of his services and the power and splendor of his family, was best entitled to favors under the new government, was the duke of Buckingham; and Richard seemed determined to spare no pains or bounty in securing him to his interests. Buckingham was descended from a daughter of Thomas of Woodstock, duke of Gloucester, uncle to Richard II.; and by this pedigree he not only was allied to the royal family, but had claims for dignities as well as estates of a very extensive nature. The duke of Gloucester, and Henry, earl of Derby, afterwards Henry IV. had married the two daughters and coheirs of Bohun, earl of Hereford, one of the greatest of the ancient barons, whose immense property came thus to be divided into two shares. One was inherited by the family of Buckingham; the other was united to the crown by the house of Lancaster, and, after the attainder of that royal line, was seized, as legally devolved to them, by the sovereigns of the house of York. The duke of Buckingham laid hold of the present opportunity, and claimed the restitution of that portion of the Hereford estate which had escheated to the crown, as well as of the great office of constable, which had long continued by inheritance in his ancestors of that family. Richard readily

complied with these demands, which were probably the price stipulated to Buckingham for his assistance in promoting the usurpation. That nobleman was invested with the office of constable; he received a grant of the estate of Hereford;<sup>1</sup> many other dignities and honors were conferred upon him; and the king thought himself sure of preserving the fidelity of a man whose interests seemed so closely connected with those of the present government.

But it was impossible that friendship could long remain inviolate between two men of such corrupt minds as Richard and the duke of Buckingham. Historians ascribe their first rupture to the king's refusal of making restitution of the Hereford estate; but it is certain from records, that he passed a grant for that purpose, and that the full demands of Buckingham were satisfied in this particular. Perhaps Richard was soon sensible of the danger which might ensue from conferring such an immense property on a man of so turbulent a disposition, and afterwards raised difficulties about the execution of his own grant: perhaps he refused some other demands of Buckingham, whom he found it impossible to gratify for his past services: perhaps he resolved, according to the usual maxim of politicians, to seize the first opportunity of ruining this powerful subject, who had been the principal instrument of his own elevation; and the discovery of this intention begat the first discontent in the duke of Buckingham. However this may be, it is certain that the duke, soon after Richard's accession, began to form a conspiracy against the government, and attempted to overthrow that usurpation which he himself had so zealously contributed to establish.

Never was there in any country a usurpation more flagrant than that of Richard, or more repugnant to every principle of justice and public interest. His claim was entirely founded on impudent allegations, never attempted to be proved; some of them incapable of proof, and all of their implying scandalous reflections on his own family, and on the persons with whom he was the most nearly connected. His title was never acknowledged by any national assembly, scarcely even by the lowest populace to whom he appealed; and it had become prevalent merely for want of some person of distinction, who might stand forth against him, and give a voice to those sentiments of general detestation which arose in

every bosom. Were men disposed to pardon these violations of public right, the sense of private and domestic duty, which is not to be effaced in the most barbarous times, must have, begotten an abhorrence against him; and have represented the murder of the young and innocent princes, his nephews, with whose protection he had been intrusted, in the most odious colors imaginable. To endure such a bloody usurper seemed to draw disgrace upon the nation, and to be attended with immediate danger to every individual who was distinguished by birth, merit, or services. Such was become the general voice of the people; all parties were united in the same sentiments; and the Lancastrians, so long oppressed, and of late so much discredited, felt their blasted hopes again revive, and anxiously expected the consequences of these extraordinary events. The duke of Buckingham, whose family had been devoted to that interest, and who, by his mother, a daughter of Edmund, duke of Somerset, was allied to the house of Lancaster, was easily induced to espouse the cause of this party, and to endeavor the restoring of it to its ancient superiority. Morton, bishop of Ely, a zealous Lancastrian, whom the king had imprisoned, and had afterwards committed to the custody of Buckingham, encouraged these sentiments; and by his exhortations the duke cast his eye towards the young earl of Richmond, as the only person who could free the nation from the tyranny of the present usurper.<sup>2</sup>

Henry, earl of Richmond, was at this time detained in a kind of honorable custody by the duke of Brittany; and his descent, which seemed to give him some pretensions to the crown, had been a great object of jealousy both in the late and in the present reign. John, the first duke of Somerset who was grandson of John of Gaunt, by a spurious branch but legitimated by act of parliament, had left only one daughter, Margaret; and his younger brother, Edmund, had succeeded him in his titles, and in a considerable part of his fortune. Margaret had espoused Edmund, earl of Richmond, half brother of Henry VI., and son of Sir Owen Tudor and Catharine of France, relict of Henry V., and she bore him only one son, who received the name of Henry, and who, after his father's death, inherited the honors and fortune of Richmond. His mother, being a widow, had espoused in second marriage Sir Henry Stafford, uncle to Buckingham, and after the death of that gentleman, had married Lord Stanley; but had no children by either of these husbands; and her son

Henry was thus, in the event of her death, the sole heir of all her fortunes. But this was not the most considerable advantage which he had reason to expect from her succession: he would represent the elder branch of the house of Somerset; he would inherit all the title of that family to the crown; and though its claim, while any legitimate branch subsisted of the house of Lancaster, had always been much disregarded, the zeal of faction, after the death of Henry VI., and the murder of Prince Edward, immediately conferred a weight and consideration upon it.

Edward IV., finding that all the Lancastrians had turned their attention towards the young earl of Richmond as the object of their hopes, thought him also worthy of his attention; and pursued him into his retreat in Brittany, whither his uncle, the earl of Pembroke, had carried him, after the battle of Tewkesbury, so fatal to his party. He applied to Francis II., duke of Brittany, who was his ally; a weak, but a good prince; and urged him to deliver up this fugitive, who might be the source of future disturbances in England; but the duke, averse to so dishonorable a proposal, would only consent that, for the security of Edward, the young nobleman should be detained in custody; and he received an annual pension from England for the safe keeping or the subsistence of his prisoner. But towards the end of Edward's reign, when the kingdom was menaced with a war both from France and Scotland, the anxieties of the English court with regard to Henry were much increased; and Edward made a new proposal to the duke, which covered, under the fairest appearances, the most bloody and treacherous intentions. He pretended that he was desirous of gaining his enemy, and of uniting him to his own family by a marriage with his daughter Elizabeth; and he solicited to have him sent over to England, in order to execute a scheme which would redound so much to his advantage. These pretences, seconded, as is supposed, by bribes to Peter Landais, a corrupt minister, by whom the duke was entirely governed, gained credit with the court of Brittany: Henry was delivered into the hands of the English agents, he was ready to embark; when a suspicion of Edward's real design was suggested to the duke, who recalled his orders, and thus saved the unhappy youth from the imminent danger which hung over him.

These symptoms of continued jealousy in the reigning family of England, both seemed to give some authority to Henry's pretensions, and made him the object of general favor and compassion, on account of the dangers and persecutions to which he was exposed. The universal detestation of Richard's conduct turned still more the attention of the nation towards Henry; and as all the descendants of the house of York were either women or minors, he seemed to be the only person from whom the nation could expect the expulsion of the odious and bloody tyrant. But notwithstanding these circumstances, which were so favorable to him, Buckingham and the bishop of Ely well knew that there would still be many obstacles in his way to the throne; and that, though the nation had been much divided between Henry VI. and the duke of York, while present possession and hereditary right stood in opposition to each other, yet as soon as these titles were united in Edward IV., the bulk of the people had come over to the reigning family; and the Lancastrians had extremely decayed, both in numbers and in authority. It was therefore suggested by Morton, and readily assented to by the duke, that the only means of overturning the present usurpation, was to unite the opposite factions, by contracting a marriage between the earl of Richmond and the princess Elizabeth, eldest daughter of King Edward, and thereby blending together the opposite pretensions of their families, which had so long been the source of public disorders and convulsions. They were sensible, that the people were extremely desirous of repose after so many bloody and destructive commotions; that both Yorkists and Lancastrians, who now lay equally under oppression, would embrace this scheme with ardor; and that the prospect of reconciling the two parties, which was in itself so desirable an end, would, when added to the general hatred against the present government, render their cause absolutely invincible. In consequence of these views, the prelate, by means of Reginald Bray, steward to the countess of Richmond, first opened the project of such a union to that lady; and the plan appeared so advantageous for her son, and at the same time so likely to succeed, that it admitted not of the least hesitation. Dr. Lewis, a Welsh physician, who had access to the queen dowager in her sanctuary, carried the proposals to her, and found that revenge for the murder of her brother and of her three sons, apprehensions for her surviving family, and indignation against her confinement, easily

overcame all her prejudices against the house of Lancaster, and procured her approbation of a marriage, to which the age and birth, as well as the present situation of the parties, seemed so naturally to invite them. She secretly borrowed a sum of money in the city, sent it over to the earl of Richmond, required his oath to celebrate the marriage as soon as he should arrive in England, advised him to levy as many foreign forces as possible, and promised to join him on his first appearance, with all the friends and partisans of her family.

The plan being thus laid upon the solid foundations of good sense and sound policy, it was secretly communicated to the principal persons of both parties in all the counties of England; and a wonderful alacrity appeared in every order of men to forward its success and completion. But it was impossible that so extensive a conspiracy could be conducted in so secret a manner, as entirely to escape the jealous and vigilant eye of Richard; and he soon received intelligence, that his enemies, headed by the duke of Buckingham, were forming some design against his authority. He immediately put himself in a posture of defence, by levying troops in the north; and he summoned the duke to appear at court, in such terms as seemed to promise him a renewal of their former amity. But that nobleman, well acquainted with the barbarity and treachery of Richard, replied only by taking arms in Wales, and giving the signal to his accomplices for a general insurrection in all parts of England. But at that very time there happened to fall such heavy rains, so incessant and continued, as exceeded any known in the memory of man; and the Severn, with the other rivers in that neighborhood, swelled to a height which rendered them impassable, and prevented Buckingham from marching into the heart of England to join his associates. The Welshmen, partly moved by superstition at this extraordinary event, partly distressed by famine in their camp, fell off from him; and Buckingham, finding himself deserted by his followers, put on a disguise, and took shelter in the house of Banister, an old servant of his family. But being detected in his retreat, he was brought to the king at Salisbury; and was instantly executed, according to the summary method practised in that age.<sup>3</sup> The other conspirators, who took arms in four different places, at Exeter, at Salisbury, at Newbury, and at Maidstone, hearing of the duke of

Buckingham's misfortunes, despaired of success, and immediately dispersed themselves.

The marquis of Dorset and the bishop of Ely made their escape beyond sea; many others were equally fortunate; several fell into Richard's hands, of whom he made some examples. His executions seem not to have been remarkably severe; though we are told of one gentleman, William Colingbourne, who suffered under color of this rebellion, but in reality for a distich of quibbling verses which he had composed against Richard and his ministers.<sup>4</sup>

The earl of Richmond, in concert with his friends, had set sail from St. Malo's, carrying on board a body of five thousand men, levied in foreign parts; but his fleet being at first driven back by a storm, he appeared not on the coast of England till after the dispersion of all his friends; and he found himself obliged to return to the court of Brittany.

The king, every where triumphant, and fortified by this unsuccessful <sup>1484</sup> attempt to dethrone him, ventured at last to summon a parliament; a measure which his crimes and flagrant usurpation had induced him hitherto to decline. Though it was natural that the parliament, in a contest of national parties, should always adhere to the victor, he seems to have apprehended, lest his title, founded on no principle, and supported by no party, might be rejected by that assembly. But his enemies being now at his feet, the parliament had no choice left but to recognize his authority, and acknowledge his right to the crown. His only son, Edward, then a youth of twelve years of age, was created prince of Wales: the duties of tonnage and poundage were granted to the king for life; and Richard, in order to reconcile the nation to his government, passed some popular laws, particularly one alluding to the names of Ratcliffe and Catesby; and to Richard's arms, which were a boar, against the late practice of extorting money on pretence of benevolence.

All the other measures of the king tended to the same object. Sensible that the only circumstance which could give him security, was to gain the confidence of the Yorkists, he paid court to the queen dowager with such art and address, made such earnest protestations of his sincere good-will and friendship, that this princess, tired of confinement, and despairing of any success from her former projects, ventured to leave her sanctuary, and

to put herself and her daughters into the hands of the tyrant. But he soon carried further his views for the establishment of his throne. He had married Anne, the second daughter of the earl of Warwick, and widow of Edward, prince of Wales, whom Richard himself had murdered; but this princess having born him but one son, who died about this time, he considered her as an invincible obstacle to the settlement of his fortune, and he was believed to have carried her off by poison; a crime for which the public could not be supposed to have any solid proof, but which the usual tenor of his conduct made it reasonable to suspect. He now thought it in his power to remove the chief perils which threatened his government. The earl of Richmond, he knew, could never be formidable but from his projected marriage with the princess Elizabeth, the true heir of the crown; and he therefore intended, by means of a papal dispensation, to espouse, himself, this princess, and thus to unite in his own family their contending titles. The queen dowager, eager to recover her lost authority, neither scrupled this alliance, which was very unusual in England, and was regarded as incestuous, nor felt any horror at marrying her daughter to the murderer of her three sons and of her brother: she even joined so farther interests with those of the usurper, that she wrote to all her partisans, and among the rest to her son, the marquis of Dorset, desiring them to withdraw from the earl of Richmond; an injury which the earl could never afterwards forgive: the court of Rome was applied to for a dispensation: Richard thought that he could easily defend himself during the interval, till it arrived; and he had afterwards the agreeable prospect of a full and secure settlement. He flattered himself that the English nation, seeing all danger removed of a disputed succession, would then acquiesce under the dominion of a prince who was of mature years, of great abilities, and of a genius qualified for government; and that they would forgive him all the crimes which he had committed in paving his way to the throne.

But the crimes of Richard were so horrid and so shocking to humanity, that the natural sentiments of men, without any political or public views, were sufficient to render his government unstable; and every person of probity and honor was earnest to prevent the sceptre from being any longer polluted by that bloody and faithless hand which held it. All the exiles flocked to the earl of Richmond in Brittany, and exhorted him to hasten his attempt for a new invasion, and to prevent the marriage of the



princess Elizabeth, which must prove fatal to all his hopes. The earl, sensible of the urgent necessity, but dreading the treachery of Peter Landais, who had entered into a negotiation with Richard for betraying him, was obliged to attend only to his present safety; and he made his escape to the court of France. The ministers of Charles VIII., who had now succeeded to the throne after the death of his father, Lewis, gave him countenance and protection; and being desirous of raising disturbance to Richard, they secretly encouraged the earl in the levies which he made for the support of his enterprise upon England. The earl of Oxford, whom Richard's suspicions had thrown into confinement, having made his escape, here joined Henry; and inflamed his ardor for the attempt, by a favorable account which he brought of the dispositions of the English nation, and their universal hatred of Richard's crimes and usurpation.

The earl of Richmond set sail from Harfleur, in Normandy, with a small <sup>1485.</sup> army of about two thousand men; and after a navigation of six days, he arrived at Milford Haven, in Wales, where he landed without opposition. He directed his course to that part of the kingdom, in hopes that the Welsh, who regarded him as their countryman, and who had been already prepossessed in favor of his cause by means of the duke of Buckingham, would join his standard, and enable him to make head against the established government. Richard, who knew not in what quarter he might expect the invader, had taken post at Nottingham, in the centre of the kingdom; and having given commissions to different persons in the several counties, whom he empowered to oppose his enemy, he purposed in person to fly, on the first alarm, to the place exposed to danger. Sir Rice ap Thomas and Sir Walter Herbert were intrusted with his authority in Wales; but the former immediately deserted to Henry; the second made but feeble opposition to him; and the earl, advancing towards Shrewsbury, received every day some reënforcement from his partisans. Sir Gilbert Talbot joined him with all the vassals and retainers of the family of Shrewsbury: Sir Thomas Bourchier and Sir Walter Hungerford brought their friends to share his fortunes; and the appearance of men of distinction in his camp made already his cause wear a favorable aspect.

But the danger to which Richard was chiefly exposed, proceeded not so much from the zeal of his open enemies, as from the infidelity of his

pretended friends. Scarce any nobleman of distinction was sincerely attached to his cause, except the duke of Norfolk; and all those who feigned the most loyalty were only watching for an opportunity to betray and desert him. But the persons of whom he entertained the greatest suspicion, were Lord Stanley and his brother Sir William, whose connections with the family of Richmond, notwithstanding their professions of attachment to his person, were never entirely forgotten or overlooked by him. When he empowered Lord Stanley to levy forces, he still retained his eldest son, Lord Strange, as a pledge for his fidelity; and that nobleman was, on this account, obliged to employ great caution and reserve in his proceedings. He raised a powerful body of his friends and retainers in Cheshire and Lancashire, but without openly declaring himself: and though Henry had received secret assurances of his friendly intentions, the armies on both sides knew not what to infer from his equivocal behavior. The two rivals at last approached each other, at Bosworth near Leicester; Henry at the head of six thousand men, Richard with an army of above double the number; and a decisive action was every hour expected between them. Stanley, who commanded above seven thousand men, took care to post himself at Atherstone, not far from the hostile camps; and he made such a disposition as enabled him on occasion to join either party. Richard had too much sagacity not to discover his intentions from these movements; but he kept the secret from his own men for fear of discouraging them: he took not immediate revenge on Stanley's son, as some of his courtiers advised him; because he hoped that so valuable a pledge would induce the father to prolong still further his ambiguous conduct: and he hastened to decide by arms the quarrel with his competitor; being certain that a victory over the earl of Richmond would enable him to take simple revenge on all his enemies, open and concealed.

The van of Richmond's army, consisting of archers, was commanded by the earl of Oxford: Sir Gilbert Talbot led the right wing; Sir John Savage the left: the earl himself, accompanied by his uncle the earl of Pembroke, placed himself in the main body. Richard also took post in his main body, and intrusted the command of his van to the duke of Norfolk: as his wings were never engaged, we have not learned the names of the several commanders. Soon after the battle began, Lord Stanley, whose conduct in

this whole affair discovers great precaution and abilities, appeared in the field, and declared for the earl of Richmond. This measure, which was unexpected to the men, though not to their leaders, had a proportional effect on both armies: it inspired unusual courage into Henry's soldiers; it threw Richard's into dismay and confusion. The intrepid tyrant, sensible of his desperate situation, cast his eye around the field, and descriing his rival at no great distance, he drove against him with fury, in hopes that either Henry's death or his own would decide the victory between them. He killed with his own hands Sir William Brandon, standard-bearer to the earl: he dismounted Sir John Cheyney: he was now within reach of Richmond himself, who declined not the combat, when Sir William Stanley, breaking in with his troops, surrounded Richard, who, fighting bravely to the last moment, was overwhelmed by numbers, and perished by a fate too mild and honorable for his multiplied and detestable enormities. His men every where sought for safety by flight.

There fell in this battle about four thousand of the vanquished; and among these the duke of Norfolk, Lord Ferrars of Chartley, Sir Richard Ratcliffe, Sir Robert Piercy, and Sir Robert Brackenbury. The loss was inconsiderable on the side of the victors. Sir William Catesby, a great instrument of Richard's crimes, was taken, and soon after beheaded, with some others, at Leicester. The body of Richard was found in the field, covered with dead enemies, and all besmeared with blood: it was thrown carelessly across a horse; was carried to Leicester amidst the shouts of the insulting spectators; and was interred in the Gray Friars' church of that place.

The historians who favor Richard (for even this tyrant has met with partisans among the later writers) maintain, that he was well qualified for government, had he legally obtained it; and that he committed no crimes but such as were necessary to procure him possession of the crown: but this is a poor apology, when it is confessed, that he was ready to commit the most horrid crimes which appeared necessary for that purpose; and it is certain, that all his courage and capacity, qualities in which he really seems not to have been deficient, would never have made compensation to the people for the danger of the precedent, and for the contagious example of vice and murder exalted upon the throne. This prince was of a small

stature, humpbacked, and had a harsh, disagreeable countenance; so that his body was in every particular no less deformed than his mind.

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Thus have we pursued the history of England through a series of many barbarous ages, till we have at last reached the dawn of civility and science, and have the prospect, both of greater certainty in our historical narrations, and of being able to present to the reader a spectacle more worthy of his attention. The want of certainty, however, and of circumstances, is not unlike to be complained of throughout every period of this long narration. This island possesses many ancient historians of good credit, as well as many historical monuments; and it is rare, that the annals of so uncultivated a people as were the English, as well as the other European nations after the decline of Roman learning, have been transmitted to posterity so complete, and with so little mixture of falsehood and of fable. This advantage we owe entirely to the clergy of the church of Rome; who, founding their authority on their superior knowledge, preserved the precious literature of antiquity from a total extinction;<sup>5</sup> and, under shelter of their numerous privileges and immunities, acquired a security by means of the superstition, which they would in vain have claimed from the justice and humanity of those turbulent and licentious ages.

Nor is the spectacle altogether unentertaining and uninteresting, which the history of those times presents to us. The view of human manners, in all their variety of appearances, is both profitable and agreeable; and if the aspect in some periods seem horrid and deformed, we may thence learn to cherish with the greater anxiety that science and civility, which has so close a connection with virtue and humanity, and which, as it is a sovereign antidote against superstition, is also the most effectual remedy against vice and disorders of every kind.

The rise, progress, perfection, and decline of art and science, are curious objects of contemplation, and intimately connected with a narration of civil transactions. The events of no particular period can be fully accounted for, but by considering the degrees of advancement which men have reached in those particulars.

Those who cast their eye on the general revolutions of society, will find that, as almost all improvements of the human mind had reached nearly to their state of perfection about the age of Augustus, there was a sensible decline from that point or period; and men thenceforth relapsed gradually into ignorance and barbarism. The unlimited extent of the Roman empire, and the consequent despotism of its monarchs, extinguished all emulation, debased the generous spirits of men, and depressed that noble flame by which all the refined arts must be cherished and enlivened. The military government, which soon succeeded, rendered even the lives and properties of men insecure and precarious; and proved destructive to those vulgar and more necessary arts of agriculture, manufactures, and commerce; and, in the end, to the military art and genius itself, by which alone the immense fabric of the empire could be supported. The irruption of the barbarous nations which soon followed, overwhelmed all human knowledge, which was already far in its decline; and men sunk every age deeper into ignorance, stupidity, and superstition; till the light of ancient science and history had very nearly suffered a total extinction in all the European nations.

But there is a point of depression, as well as of exaltation, from which human affairs naturally return in a contrary direction, and beyond which they seldom pass either in their advancement or decline. The period in which the people of Christendom were the lowest sunk in ignorance, and consequently in disorders of every kind, may justly be fixed at the eleventh century, about the age of William the Conqueror; and from that era the sun of science, beginning to reascend, threw out many gleams of light, which preceded the full morning when letters were revived in the fifteenth century. The Danes and other northern people, who had so long infested all the coasts, and even the island parts of Europe, by their depredations, having now learned the arts of tillage and agriculture, found a certain subsistence at home, and were no longer tempted to desert their industry, in order to seek a precarious livelihood by rapine and by the plunder of their neighbors. The feudal governments also, among the more southern nations, were reduced to a kind of system; and though that strange species of civil polity was ill fitted to insure either liberty or tranquillity, it was preferable to the universal license and disorder which had every where preceded it. But perhaps there was no event which tended further to the

improvement of the age, than one which has not been much remarked, the accidental finding of a copy of Justinian's Pandects, about the year 1130, in the town of Amalfi, in Italy.

The ecclesiastics, who had leisure, and some inclination to study, immediately adopted with zeal this excellent system of jurisprudence, and spread the knowledge of it throughout every part of Europe. Besides the intrinsic merit of the performance, it was recommended to them by its original connection with the imperial city of Rome, which, being the seat of their religion, seemed to acquire a new lustre and authority by the diffusion of its laws over the western world. In less than ten years after the discovery of the Pandects, Vacarius, under the protection of Theobald, archbishop of Canterbury, read public lectures of civil law in the university of Oxford; and the clergy every where, by their example as well as exhortation, were the means of diffusing the highest esteem for this new science. That order of men, having large possessions to defend, was in a manner necessitated to turn their studies towards the law; and their properties being often endangered by the violence of the princes and barons, it became their interest to enforce the observance of general and equitable rules, from which alone they could receive protection. As they possessed all the knowledge of the age, and were alone acquainted with the habits of thinking, the practice as well as science of the law fell mostly into their hands: and though the close connection which, without any necessity, they formed between the canon and civil law, begat a jealousy in the laity of England, and prevented the Roman jurisprudence from becoming the municipal law of the country, as was the case in many states of Europe, a great part of it was secretly transferred into the practice of the courts of justice, and the imitation of their neighbors made the English gradually endeavor to raise their own law from its original state of rudeness and imperfection.

It is easy to see what advantages Europe must have reaped by its inheriting at once from the ancients so complete an art, which was also so necessary for giving security to all other arts, and which by refining, and still more by bestowing solidity on the judgment, served as a model to further improvements. The sensible utility of the Roman law, both to public and private interest, recommended the study of it, at a time when

the more exalted and speculative sciences carried no charms with them; and thus the last branch of ancient literature which remained uncorrupted, was happily the first transmitted to the modern world. For it is remarkable, that in the decline of Roman learning, when the philosophers were universally infected with superstition and sophistry, and the poets and historians with barbarism, the lawyers, who in other countries are seldom models of science or politeness, were yet able, by the constant study and close imitation of their predecessors, to maintain the same good sense in their decisions and reasonings, and the same purity in their language and expression.

What bestowed an additional merit on the civil law, was the extreme imperfection of that jurisprudence which preceded it among all the European nations, especially among the Saxons or ancient English. The absurdities which prevailed at that time in the administration of justice, may be conceived from the authentic monuments which remain of the ancient Saxon laws; where a pecuniary commutation was received for every crime, where stated prices were fixed for men's lives and members, where private revenges were authorized for all injuries, where the use of the ordeal, corsnet, and afterwards of the duel, was the received method of proof, and where the judges were rustic freeholders, assembled of a sudden, and deciding a cause from one debate or altercation of the parties. Such a state of society was very little advanced beyond the rude state of nature: violence universally prevailed, instead of general and equitable maxims: the pretended liberty of the times was only an incapacity of submitting to government: and men, not protected by law in their lives and properties, sought shelter, by their personal servitude and attachments, under some powerful chieftain, or by voluntary combinations.

The gradual progress of improvement raised the Europeans somewhat above this uncultivated state; and affairs, in this island particularly, took early a turn which was more favorable to justice and to liberty. Civil employments and occupations soon became honorable among the English: the situation of that people rendered not the perpetual attention to wars so necessary as among their neighbors, and all regard was not confined to the military profession: the gentry, and even the nobility, began to deem an

acquaintance with the law a necessary part of education: they were less diverted than afterwards from studies of this kind by other sciences; and in the age of Henry VI., as we are told by Fortescue, there were in the inns of court about two thousand students, most of them men of honorable birth, who gave application to this branch of civil knowledge: a circumstance which proves, that a considerable progress was already made in the science of government, and which prognosticated a still greater.

One chief advantage which resulted from the introduction and progress of the arts, was the introduction and progress of freedom; and this consequence affected men both in their personal and civil capacities.

If we consider the ancient state of Europe, we shall find, that the far greater part of the society were every where bereaved of their personal liberty, and lived entirely at the will of their masters. Every one that was not noble, was a slave: the peasants were sold along with the land: the few inhabitants of cities were not in a better condition: even the gentry themselves were subjected to a long train of subordination under the greater barons or chief vassals of the crown; who, though seemingly placed in a high state of splendor, yet, having but a slender protection from law, were exposed to every tempest of the state, and, by the precarious condition in which they lived, paid dearly for the power of oppressing and tyrannizing over their inferiors. The first incident which broke in upon this violent system of government, was the practice, begun in Italy, and imitated in France, of erecting communities and corporations, endowed with privileges and a separate municipal government, which gave them protection against the tyranny of the barons, and which the prince himself deemed it prudent to respect.<sup>6</sup>

The relaxation of the feudal tenures, and an execution somewhat stricter of the public law, bestowed an independence on vassals which was unknown to their forefathers. And even the peasants themselves, though later than other orders of the state, made their escape from those bonds of villenage or slavery in which they had formerly been retained.

It may appear strange that the progress of the arts, which seems, among the Greeks and Romans, to have daily increased the number of slaves, should, in later times, have proved so general a source of liberty; but this difference in the events proceeded from a great difference in the



circumstances which attended those institutions. The ancient barons, obliged to maintain themselves continually in a military posture, and little emulous of elegance or splendor, employed not their villains as domestic servants, much less as manufacturers; but composed their retinue of freemen, whose military spirit rendered the chieftain formidable to his neighbors, and who were ready to attend him in every warlike enterprise. The villains were entirely occupied in the cultivation of their master's land, and paid their rents either in corn and cattle, and other produce of the farm, or in servile offices, which they performed about the baron's family, and upon the farms which he retained in his own possession. In proportion as agriculture improved and money increased, it was found that these services, though extremely burdensome to the villain, were of little advantage to the master; and that the produce of a large estate could be much more conveniently disposed of by the peasants themselves, who raised it, than by the landlord or his bailiff, who were formerly accustomed to receive it. A commutation was therefore made of rents for services, and of money-rents for those in kind; and as men, in a subsequent age, discovered that farms were better cultivated where the farmer enjoyed a security in his possession, the practice of granting leases to the peasant began to prevail, which entirely broke the bonds of servitude, already much relaxed from the former practices. After this manner villenage went gradually into disuse throughout the more civilized parts of Europe: the interest of the master, as well as that of the slave, concurred in this alteration. The latest laws which we find in England for enforcing or regulating this species of servitude, were enacted in the reign of Henry VII. And though the ancient statutes on this subject remain still unrepealed by parliament, it appears that before the end of Elizabeth, the distinction of villain and freeman was totally, though insensibly abolished, and that no person remained in the state, to whom the former laws could be applied.

Thus personal freedom became almost general in Europe; an advantage which paved the way for the increase of political or civil liberty, and which, even where it was not attended with this salutary effect, served to give the members of the community some of the most considerable advantages of it.

The constitution of the English government, ever since the invasion of this island by the Saxons, may boast of this pre-eminence, that in no age the will of the monarch was ever entirely absolute and uncontrolled; but in other respects the balance of power has extremely shifted among the several orders of the state; and this fabric has experienced the same mutability that has attended all human institutions.

The ancient Saxons, like the other German nations, where each individual was inured to arms, and where the independence of men was secured by a great equality of possessions, seem to have admitted a considerable mixture of democracy into their form of government, and to have been one of the freest nations of which there remains any account in the records of history. After this tribe was settled in England, especially after the dissolution of the heptarchy, the great extent of the kingdom produced a great inequality in property; and the balance seems to have inclined to the side of aristocracy. The Norman conquest threw more authority into the hands of the sovereign, which, however, admitted of great control; though derived less from the general forms of the constitution, which were inaccurate and irregular, than from the independent power enjoyed by each baron in his particular district or province. The establishment of the Great Charter exalted still higher the aristocracy, imposed regular limits on royal power, and gradually introduced some mixture of democracy into the constitution. But even during this period, from the accession of Edward I. to the death of Richard III., the condition of the commons was nowise eligible: a kind of Polish aristocracy prevailed; and though the kings were limited, the people were as yet far from being free. It required the authority almost absolute of the sovereigns, which took place in the subsequent period, to pull down those disorderly and licentious tyrants, who were equally averse from peace and from freedom, and to establish that regular execution of the laws, which, in a following age, enabled the people to erect a regular and equitable plan of liberty. In each of these successive alterations, the only rule of government which is intelligible, or carries any authority with it, is the established practice of the age, and the maxims of administration which are at that time prevalent and universally assented to. Those who, from a pretended respect to antiquity, appeal at every turn to an original plan of the constitution, only cover their turbulent spirit and their private ambition

under the appearance of venerable forms; and whatever period they pitch on for their model, they may still be carried back to a more ancient period, where they will find the measures of power entirely different, and where every circumstance, by reason of the greater barbarity of the times, will appear still less worthy of imitation. Above all, a civilized nation like the English, who have happily established the most perfect and most accurate system of liberty that was ever found compatible with government, ought to be cautious in appealing to the practice of their ancestors, or regarding the maxims of uncultivated ages as certain rules for their present conduct. An acquaintance with the ancient periods of their government is chiefly *useful*, by instructing them to cherish their present constitution, from a comparison or contrast with the condition of those distant times. And it is also *curious*, by showing them the remote, and commonly faint and disfigured originals of the most finished and most noble institutions, and by instructing them in the great mixture of accident, which commonly concurs with a small ingredient of wisdom and foresight, in erecting the complicated fabric of the most perfect government.

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<sup>1</sup> Dugdale's Baron. vol. i. p. 168, 169.

<sup>2</sup> Hist. Croyl. Cont. p. 568.

<sup>3</sup> Hist. Croyl. Cont. p. 568.

<sup>4</sup> The lines were—

"The Rat, the Cat, and Lovel that Dog,  
Rule all England under the Hog;"

alluding to the names of Ratcliffe and Catesby; and to Richard's Arms, which were a board.

<sup>5</sup> Every one that has perused the ancient monkish writers know that, however barbarous their own style, they are full of allusions to the Latin classics, especially the poets. There seems also in those middle ages to have remained many ancient books that are now lost. Malmesbury, who flourished in the reign of Henry I. and King Stephen, quotes Livy's description of Caesar's passage over the Rubicon. Fitz-Stephen, who lived in the reign of Henry II., alludes to a passage in the larger history of Sallust. In the collection of letters which passes under the name of Thomas a

Becket, we see how familiar all the ancient history and ancient books were to the more ingenious and more dignified churchmen of that time, and consequently how much that order of men must have surpassed all the other members of the society. That prelate and his friends call each other philosophers in all the course of their correspondence, and consider the rest of the world as sunk in total ignorance and barbarism.]

<sup>6</sup> There appear early symptoms of the jealousy entertained by the barons against the progress of the arts, as destructive of their licentious power. A law was enacted, 7 Keny IV. chap. 17, prohibiting any one who did not possess twenty shillings a year in land from binding his sons apprentices to any trade. They found already that the cities began to drain the country of the laborers and husbandmen: and did not foresee how much the increase of commerce would increase the value of their estates. See further, Cotton, p. 179. The kings, to encourage the boroughs, granted them this privilege, that any villein who had lived a twelvemonth in any corporation, and had been of the guild, should be thenceforth regarded as free.



## CHAPTER 25.

### HENRY VII.

**T**he victory which the earl of Richmond gained at Bosworth was <sup>1485</sup> entirely decisive; being attended, as well with the total rout and dispersion of the royal army, as with the death of the king himself. Joy for this great success suddenly prompted the soldiers, in the field of battle, to bestow on their victorious general the appellation of king, which he had not hitherto assumed; and the acclamations of “Long live Henry VII.,” by a natural and unpremeditated movement, resounded from all quarters. To bestow some appearance of formality on this species of military election, Sir William Stanley brought a crown of ornament, which Richard wore in battle, and which had been found among the spoils; and he put it on the head of the victor. Henry himself remained not in suspense; but immediately, without hesitation, accepted of the magnificent present which was tendered him. He was come to the crisis of his fortune; and being obliged suddenly to determine himself, amidst great difficulties which he must have frequently revolved in his mind, he chose that part which his ambition suggested to him, and to which he seemed to be invited by his present success.

There were many titles on which Henry could found his right to the crown; but no one of them free from great objections, if considered with respect either to justice or to policy.

During some years, Henry had been regarded as heir to the house of Lancaster by the party attached to that family; but the title of the house of Lancaster itself was generally thought to be very ill founded. Henry IV., who had first raised it to royal dignity, had never clearly defined the foundation of his claim; and while he plainly invaded the order of succession, he had not acknowledged the election of the people. The parliament, it is true, had often recognized the title of the Lancastrian princes; but these votes had little authority, being considered as instances of complaisance towards a family in possession of present power; and they

had accordingly been often reversed during the late prevalence of the house of York. Prudent men also, who had been willing for the sake of peace to submit to any established authority, desired not to see the claims of that family revived; claims which must produce many convulsions at present, and which disjointed for the future the whole system of hereditary right. Besides, allowing the title of the house of Lancaster to be legal, Henry himself was not the true heir of that family; and nothing but the obstinacy natural to faction, which never without reluctance will submit to an antagonist, could have engaged the Lancastrians to adopt the earl of Richmond as their head. His mother indeed, Margaret, countess of Richmond, was sole daughter and heir of the duke of Somerset, sprung from John of Gaunt, duke of Lancaster: but the descent of the Somerset line was itself illegitimate, and even adulterous. And though the duke of Lancaster had obtained the legitimation of his natural children by a patent from Richard II., confirmed in parliament, it might justly be doubted whether this deed could bestow any title to the crown: since in the patent itself all the privileges conferred by it are fully enumerated, and the succession to the kingdom is expressly excluded.<sup>1</sup> In all settlements of the crown made during the reigns of the Lancastrian princes, the line of Somerset had been entirely overlooked; and it was not till the failure of the legitimate branch, that men had paid any attention to their claim. And to add to the general dissatisfaction against Henry's title, his mother, from whom he derived all his right was still alive; and evidently preceded him in the order of succession.

His title of the house of York, both from the plain reason of the case, and from the late popular government of Edward IV., had universally obtained the preference in the sentiments of the people; and Henry might ingraft his claim on the rights of that family, by his intended marriage with the princess Elizabeth, the heir of it; a marriage which he had solemnly promised to celebrate, and to the expectation of which he had chiefly owed all his past successes. But many reasons dissuaded Henry from adopting this expedient. Were he to receive the crown only in right of his consort, his power, he knew, would be very limited; and he must expect rather to enjoy the bare title of king by a sort of courtesy, than possess the real authority which belongs to it. Should the princess die before him without issue, he must descend from the throne, and give place to the next in

succession; and even if his bed should be blest with offspring, it seemed dangerous to expect that filial piety in his children would prevail over the ambition of obtaining present possession of regal power. An act of parliament, indeed, might easily be procured to settle the crown on him during life; but Henry knew how much superior the claim of succession by blood was to the authority of an assembly,<sup>2</sup> which had always been overborne by violence in the shock of contending titles, and which had ever been more governed by the conjunctures of the times, than by any consideration derived from reason or public interest.

There was yet a third foundation on which Henry might rest his claim, the right of conquest, by his victory over Richard, the present possessor of the crown. But besides that Richard himself was deemed no better than a usurper, the army which fought against him consisted chiefly of Englishmen; and a right of conquest over England could never be established by such a victory. Nothing also would give greater umbrage to the nation than a claim of this nature; which might be construed as an abolition of all their rights and privileges, and the establishment of absolute authority in the sovereign.<sup>3</sup>

William himself, the Norman, though at the head of a powerful and victorious army of foreigners, had at first declined the invidious title of Conqueror; and it was not till the full establishment of his authority, that he had ventured to advance so violent and destructive a pretension.

But Henry was sensible that there remained another foundation of power, somewhat resembling the right of conquest, namely, present possession; and that this title, guarded by vigor and abilities, would be sufficient to secure perpetual possession of the throne. He had before him the example of Henry IV., who, supported by no better pretension, had subdued many insurrections, and had been able to transmit the crown peaceably to his posterity. He could perceive that this claim, which had been perpetuated through three generations of the family of Lancaster, might still have subsisted, notwithstanding the preferable title of the house of York, had not the sceptre devolved into the hands of Henry VI., which were too feeble to sustain it. Instructed by this recent experience, Henry was determined to put himself in possession of regal authority, and to show all opponents, that nothing but force of arms and a successful war

should be able to expel him. His claim as heir to the house of Lancaster he was resolved to advance, and never allow it to be discussed; and he hoped that this right, favored by the partisans of that family, and seconded by present power, would secure him a perpetual and an independent authority.

These views of Henry are not exposed to much blame; because founded on good policy, and even on a species of necessity; but there entered into all his measures and counsels another motive, which admits not of the same apology. The violent contentions which, during so long a period, had been maintained between the rival families, and the many sanguinary revenges which they had alternately taken on each other, had inflamed the opposite factions to a high pitch of animosity, Henry himself, who had seen most of his near friends and relations perish in battle or by the executioner, and who had been exposed in his own person to many hardships and dangers, had imbibed a violent antipathy to the York party, which no time or experience were ever able to efface. Instead of embracing the present happy opportunity of abolishing these fatal distinctions, of uniting his title with that of his consort, and of bestowing favor indiscriminately on the friends of both families, he carried to the throne all the partialities which belong to the head of a faction, and even the passions which are carefully guarded against by every true politician in that situation. To exalt the Lancastrian party, to depress the adherents of the house of York, were still the favorite objects of his pursuit; and through the whole course of his reign, he never forgot these early prepossessions. Incapable from his natural temper of a more enlarged and more benevolent system of policy, he exposed himself to many present inconveniences, by too anxiously guarding against that future possible event, which might disjoin his title from that of the princess whom he espoused. And while he treated the Yorkists as enemies, he soon rendered them such, and taught them to discuss that right to the crown, which he so carefully kept separate, and to perceive its weakness and invalidity.

To these passions of Henry, as well as to his suspicious politics, we are to ascribe the measures which he embraced two days after the battle of Bosworth. Edward Plantagenet, earl of Warwick, son of the duke of Clarence, was detained in a kind of confinement at Sherif-Hutton, in



Yorkshire, by the jealousy of his uncle Richard, whose title to the throne was inferior to that of the young prince. Warwick had now reason to expect better treatment, as he was no obstacle to the succession either of Henry or Elizabeth; and from a youth of such tender years no danger could reasonably be apprehended. But Sir Robert Willoughby was despatched by Henry with orders to take him from Sherif-Hutton, to convey him to the Tower, and to detain him in close custody.<sup>4</sup> The same messenger carried directions, that the princess Elizabeth, who had been confined to the same place, should be conducted to London, in order to meet Henry, and there celebrate her nuptials.

Henry himself set out for the capital, and advanced by slow journeys. Not to rouse the jealousy of the people, he took care to avoid all appearance of military triumph; and so to restrain the insolence of victory, that every thing about him bore the appearance of an established monarch, making a peaceable progress through his dominions, rather than of a prince who had opened his way to the throne by force of arms. The acclamations of the people were every where loud, and no less sincere and hearty. Besides that a young and victorious prince, on his accession, was naturally the object of popularity, the nation promised themselves great felicity from the new scene which opened before them.

During the course of near a whole century, the kingdom had been laid waste by domestic wars and convulsions; and if at any time the noise of arms had ceased, the sound of faction and discontent still threatened new disorders. Henry, by his marriage with Elizabeth, seemed to insure a union of the contending titles of the two families; and having prevailed over a hated tyrant, who had anew disjointed the succession even of the house of York, and had filled his own family with blood and murder, he was every where attended with the unfeigned favor of the people. Numerous and splendid troops of gentry and nobility accompanied his progress. The mayor and companies of London received him as he approached the city; the crowds of people and citizens were zealous in their expressions of satisfaction. But Henry, amidst this general effusion of joy, discovered still the stateliness and reserve of his temper, which made him scorn to court popularity: he entered London in a close chariot, and would not gratify the people with a sight of their new sovereign.

But the king did not so much neglect the favor of the people, as to delay giving them assurances of his marriage with the princess Elizabeth, which he knew to be so passionately desired by the nation. On his leaving Brittany, he had artfully dropped some hints that, if he should succeed in his enterprise, and obtain the crown of England, he would espouse Anne, the heir of that duchy; and the report of this engagement had already reached England, and had begotten anxiety in the people, and even in Elizabeth herself. Henry took care to dissipate these apprehensions, by solemnly renewing, before the council and principal nobility, the promise which he had already given to celebrate his nuptials with the English princess. But though bound by honor, as well as by interest, to complete this alliance, he was resolved to postpone it till the ceremony of his own coronation should be finished, and till his title should be recognized by parliament. Still anxious to support his personal and hereditary right to the throne, he dreaded lest a preceding marriage with the princess should imply a participation of sovereignty in her, and raise doubts of his own title by the house of Lancaster.

There raged at that time in London, and other parts of the kingdom, a species of malady unknown to any other age or nation, the sweating sickness, which occasioned the sudden death of great multitudes; though it seemed not to be propagated by any contagious infection, but arose from the general disposition of the air and of the human body. In less than twenty-four hours the patient commonly died or recovered, but when the pestilence had exerted its fury for a few weeks, it was observed, either from alterations in the air, or from a more proper regimen which had been discovered, to be considerably abated.<sup>5</sup> Preparations were then made for the ceremony of Henry's coronation. In order to heighten the splendor of that spectacle, he bestowed the rank of knight banneret on twelve persons; and he conferred peerages on three. Jasper, earl of Pembroke, his uncle, was created duke of Bedford; Thomas Lord Stanley, his father-in-law, earl of Derby; and Edward Courtney, earl of Devonshire. At the coronation, likewise, there appeared a new institution, which the king had established for security as well as pomp, a band of fifty archers, who were termed yeomen of the guard. But lest the people should take umbrage at this unusual symptom of jealousy in the prince, as if it implied a personal diffidence of his subjects, he declared the institution to be perpetual. The

ceremony of coronation was performed by Cardinal Bouchier, archbishop of Canterbury.

The parliament being assembled at Westminster, the majority immediately appeared to be devoted partisans of Henry; all persons of another disposition either declining to stand in those dangerous times, or being obliged to dissemble their principles and inclinations. The Lancastrian party had every where been successful in the elections; and even many had been returned who, during the prevalence of the house of York, had been exposed to the rigor of law, and had been condemned by sentence of attainder and outlawry. Their right to take seats in the house being questioned, the case was referred to all the judges, who assembled in the exchequer chamber, in order to deliberate on so delicate a subject. The opinion delivered was prudent, and contained a just temperament between law and expediency.<sup>6</sup> The judges determined, that the members attainted should forbear taking their seat till an act were passed for the reversal of their attainder. There was no difficulty in obtaining this act; and in it were comprehended a hundred and seven persons of the king's party.<sup>7</sup>

But a scruple was started of a nature still more important. The king himself had been attainted; and his right of succession to the crown might thence be exposed to some doubt. The judges extricated themselves from this dangerous question by asserting it as a maxim, "That the crown takes away all defects and stops in blood; and that from the time the king assumed royal authority, the fountain was cleared, and all attainders and corruptions of blood discharged."<sup>8</sup> Besides that the case, from its urgent necessity, admitted of no deliberation, the judges probably thought that no sentence of a court of judicature had authority sufficient to bar the right of succession; that the heir of the crown was commonly exposed to such jealousy as might often occasion stretches of law and justice against him; and that a prince might even be engaged in unjustifiable measures during his predecessor's reign, without meriting on that account to be excluded from the throne, which was his birthright.

With a parliament so obsequious, the king could not fail of obtaining whatever act of settlement he was pleased to require. He seems only to have entertained some doubt within himself on what claim he should

found his pretensions. In his speech to the parliament, he mentioned his just title by hereditary right: but lest that title should not be esteemed sufficient, he subjoined his claim by the judgment of God, who had given him victory over his enemies. And again, lest this pretension should be interpreted as assuming a right of conquest, he insured to his subjects the full enjoyment of their former properties and possessions.

The entail of the crown was drawn according to the sense of the king, and probably in words dictated by him. He made no mention in it of the princess Elizabeth, nor of any branch of her family: but in other respects the act was compiled with sufficient reserve and moderation. He did not insist that it should contain a declaration or recognition of his preceding right; as, on the other hand, he avoided the appearance of a new law or ordinance. He chose a middle course which, as is generally unavoidable in such cases, was not entirely free from uncertainty and obscurity. It was voted, "That the inheritance of the crown should rest, remain, and abide in the king:"<sup>9</sup> but whether as rightful heir, or only as present possessor, was not determined.

In like manner, Henry was contented that the succession should be secured to the heirs of his body; but he pretended not, in case of their failure, to exclude the house of York or to give the preference to that of Lancaster: he left that great point ambiguous for the present, and trusted that, if it should ever become requisite to determine it, future incidents would open the way for the decision.

But even after all these precautions, the king was so little satisfied with his own title, that in the following year, he applied to papal authority for a confirmation of it; and as the court of Rome gladly laid hold of all opportunities which the imprudence, weakness, or necessities of princes afforded it to extend its influence, Innocent VIII., the reigning pope, readily granted a bull, in whatever terms the king was pleased to desire. All Henry's titles, by succession, marriage, parliamentary choice, even conquest, are there enumerated; and to the whole the sanction of religion is added; excommunication is denounced against every one who should either disturb him in the present possession, or the heirs of his body in the future succession of the crown; and from this penalty no criminal, except in the article of death, could be absolved but by the pope himself, or his

special commissioners. It is difficult to imagine that the security derived from this bull could be a compensation for the defect which it betrayed in Henry's title, and for the danger of thus inviting the pope to interpose in these concerns.

It was natural, and even laudable in Henry to reverse the attainders which had passed against the partisans of the house of Lancaster: but the revenges which he exercised against the adherents of the York family, to which he was so soon to be allied, cannot be considered in the same light. Yet the parliament, at his instigation, passed an act of attainder against the late king himself, against the duke of Norfolk, the earl of Surrey, Viscount Lovel, the lords Zouche and Ferrars of Chartley, Sir Walter and Sir James Harrington, Sir William Berkeley, Sir Humphrey Stafford, Catesby, and about twenty other gentlemen who had fought on Richard's side in the battle of Bosworth. How men could be guilty of treason by supporting the king in possession against the earl of Richmond, who assumed not the title of king, it is not easy to conceive; and nothing but a servile complaisance in the parliament could have engaged them to make this stretch of justice. Nor was it a small mortification to the people in general, to find that the king, prompted either by avarice or resentment could, in the very beginning of his reign, so far violate the cordial union which had previously been concerted between the parties, and to the expectation of which he had plainly owed his succession to the throne.

The king, having gained so many points of consequence from the parliament, thought it not expedient to demand any supply from them, which the profound peace enjoyed by the nation, and the late forfeiture of Richard's adherents, seemed to render somewhat superfluous. The parliament, however, conferred on him during life the duty of tonnage and poundage, which had been enjoyed in the same manner by some of his immediate predecessors; and they added, before they broke up, other money bills of no great moment. The king, on his part, made returns of grace and favor to his people. He published his royal proclamation, offering pardon to all such as had taken arms, or formed any attempts against him, provided they submitted themselves to mercy by a certain day, and took the usual oath of fealty and allegiance. Upon this proclamation many came out of their sanctuaries; and the minds of men

were every where much quieted. Henry chose to take wholly to himself the merit of an act of grace so agreeable to the nation, rather than communicate it with the parliament, (as was his first intention,) by passing a bill to that purpose. The earl of Surrey, however, though he had submitted, and delivered himself into the king's hands, was sent prisoner to the Tower.

During this parliament, the king also bestowed favors and honors on some particular persons who were attached to him. Edward Stafford, eldest son of the duke of Buckingham attainted in the late reign, was restored to the honors of his family, as well as to his fortune, which was very ample. This generosity, so unusual in Henry, was the effect of his gratitude to the memory of Buckingham, who had first concerted the plan of his elevation, and who by his own ruin had made way for that great event. Chandos of Brittany was created earl of Bath, Sir Giles Daubeny, Lord Daubeny, and Sir Robert Willoughby, Lord Broke. These were all the titles of nobility conferred by the king during this session of parliament.<sup>10</sup>

But the ministers whom Henry most trusted and favored were not chosen from among the nobility, or even from among the laity. John Morton and Richard Fox, two clergymen persons of industry, vigilance, and capacity, were the men to whom he chiefly confided his affairs and secret counsels. They had shared with him all his former dangers and distresses; and he now took care to make them participate in his good fortune. They were both called to the privy council; Morton was restored to the bishopric of Ely, Fox was created bishop of Exeter. The former, soon after, upon the death of Bourchier, was raised to the see of Canterbury. The latter was made privy seal; and successively bishop of Bath and Wells, Durham, and Winchester. For Henry, as Lord Bacon observes, loved to employ and advance prelates; because, having rich bishoprics to bestow, it was easy for him to reward their services: and it was his maxim to raise them by slow steps, and make them first pass through the interior sees.<sup>11</sup> He probably expected that, as they were naturally more dependent on him than the nobility, who during that age enjoyed possessions and jurisdictions dangerous to royal authority, so the prospect of further elevation would render them still more active in his service, and more obsequious to his commands.

In presenting the bill of tonnage and poundage, the parliament, anxious to preserve the legal, undisputed succession to the crown, had petitioned Henry, with demonstrations of the greatest zeal, to espouse the princess Elizabeth; but they covered their true reason under the dutiful pretence of their desire to have heirs of his body. He now thought in earnest of satisfying the minds of his people in that particular. His marriage was celebrated at London; and that with greater appearance of universal joy than either his first entry or his coronation. Henry remarked with much displeasure this general favor borne to the house of York. The suspicions which arose from it not only disturbed his tranquillity during his whole reign, but bred disgust towards his consort herself, and poisoned all his domestic enjoyments. Though virtuous, amiable, and obsequious to the last degree, she never met with a proper return of affection, or even of complaisance, from her husband; and the malignant ideas of faction still, in his sullen mind, prevailed over all the sentiments of conjugal tenderness.

The king had been carried along with such a tide of success ever since his arrival in England, that he thought nothing could withstand the fortune and authority which attended him.

He now resolved to make a progress into the north, where the friends of the house of York, and even the partisans of Richard, were numerous, in hopes of curing, by his presence and conversation, the prejudices of the malecontents. When he arrived at Nottingham, he heard that Viscount Lovel, with Sir Humphrey Stafford, and Thomas his brother, had secretly withdrawn themselves from their sanctuary at Colchester: but this news appeared not to him of such importance as to stop his journey; and he proceeded forward to York. He there heard that the Staffords had levied an army, and were marching to besiege the city of Worcester; and that Lovel, at the head of three or four thousand men, was approaching to attack him in York. Henry was not dismayed with this intelligence. His active courage, full of resources, immediately prompted him to find the proper remedy. Though surrounded with enemies in these disaffected counties, he assembled a small body of troops, in whom he could confide; and he put them under the command of the duke of Bedford. He joined to them all his own attendants; but he found that this hasty armament was more

formidable by their spirit and their zealous attachment to him, than by the arms or military stores with which they were provided. He therefore gave Bedford orders not to approach the enemy; but previously to try every proper expedient to disperse them. Bedford published a general promise of pardon to the rebels, which had a greater effect on their leader than on his followers. Lovel, who had undertaken an enterprise that exceeded his courage and capacity, was so terrified with the fear of desertion among his troops, that he suddenly withdrew himself; and after lurking some time in Lancashire, he made his escape into Flanders, where he was protected by the duchess of Burgundy. His army submitted to the king's clemency; and the other rebels, hearing of this success, raised the siege of Worcester, and dispersed themselves. The Staffords took sanctuary in the church of Colnham, a village near Abingdon; but as it was found that this church had not the privilege of giving protection to rebels, they were taken thence; the elder was executed at Tyburn; the younger, pleading that he had been misled by his brother, obtained a pardon.<sup>12</sup>

Henry's joy for this success was followed, some time after, by the birth of a prince, to whom he gave the name of Arthur in memory of the famous British king of that name, from whom it was pretended the family of Tudor derived its descent.

Though Henry had been able to defeat this hasty rebellion raised by the relics of Richard's partisans, his government was become in general unpopular: the source of public discontent arose chiefly from his prejudices against the house of York which was generally beloved by the nation, and which, for that very reason, became every day more the object of his hatred and jealousy. Not only a preference on all occasions, it was observed, was given to the Lancastrians, but many of the opposite party had been exposed to great severity, and had been bereaved of their fortunes by acts of attainder. A general resumption likewise had passed of all grants made by the princes of the house of York; and though this rigor had been covered under the pretence that the revenue was become insufficient to support the dignity of the crown, and though the grants during the later years of Henry VI. were resumed by the same law, yet the York party, as they were the principal sufferers by the resumption, thought it chiefly levelled against them. The severity exercised against the earl of



Warwick begat compassion for youth and innocence exposed to such oppression; and his confinement in the Tower, the very place where Edward's children had been murdered by their uncle, made the public expect a like catastrophe for him, and led them to make a comparison between Henry and that detested tyrant. And when it was remarked that the queen herself met with harsh treatment, and even after the birth of a son, was not admitted to the honor of a public coronation, Henry's prepossessions were then concluded to be inveterate, and men became equally obstinate in their disgust to his government. Nor was the manner and address of the king calculated to cure these prejudices contracted against his administration; but had in every thing a tendency to promote fear, or at best reverence, rather than good will and affection.<sup>13</sup> While the high idea entertained of his policy and vigor retained the nobility and men of character in obedience, the effects of his unpopular government soon appeared, by incidents of an extraordinary nature.

There lived in Oxford one Richard Simon, a priest, who possessed some subtlety, and still more enterprise and temerity. This man had entertained the design of disturbing Henry's government, by raising a pretender to his crown, and for that purpose he cast his eyes on Lambert Simnel, a youth of fifteen years of age, who was son of a baker, and who, being endowed with understanding above his years, and address above his condition, seemed well fitted to personate a prince of royal extraction. A report had been spread among the people, and received, with great avidity, that Richard, duke of York, second son of Edward IV., had, by a secret escape, saved himself from the cruelty of his uncle, and lay somewhere concealed in England. Simon, taking advantage of this rumor, had at first instructed his pupil to assume that name, which he found to be so fondly cherished by the public: but hearing afterwards a new report, that Warwick had made his escape from the Tower, and observing that this news was attended with no less general satisfaction, he changed the plan of his imposture, and made Simnel personate that unfortunate prince.<sup>14</sup> Though the youth was qualified by nature for the part which he was instructed to act, yet was it remarked, that he was better informed in circumstances relating to the royal family, particularly in the adventures of the earl of Warwick, than he could be supposed to have learned from one of Simon's condition: and it was thence conjectured, that persons of higher

rank, partisans of the house of York, had laid the plan of this conspiracy, and had conveyed proper instructions to the actors. The queen dowager herself was exposed to suspicion; and it was indeed the general opinion, however unlikely it might seem, that she had secretly given her consent to the imposture. This woman was of a very restless disposition. Finding that, instead of receiving the reward of her services in contributing to Henry's elevation, she herself was fallen into absolute insignificance, her daughter treated with severity, and all her friends brought under subjection, she had conceived the most violent animosity against him, and had resolved to make him feel the effects of her resentment. She knew that the impostor, however successful, might easily at last be set aside; and if a way could be found at his risk to subvert the government, she hoped that a scene might be opened, which, though difficult at present exactly to foresee, would gratify her revenge, and be on the whole less irksome to her than that slavery and contempt to which she was now reduced.<sup>15</sup>.....

But whatever care Simon might take to convey instruction to his pupil Simnel, he was sensible that the imposture would not bear a close inspection; and he was therefore determined to open the first public scene of it in Ireland. That island, which was zealously attached to the house of York, and bore an affectionate regard to the memory of Clarence, Warwick's father, who had been their lieutenant, was improvidently allowed by Henry to remain in the same condition in which he found it; and all the counsellors and officers, who had been appointed by his predecessor, still retained their authority. No sooner did Simnel present himself to Thomas Fitzgerald, earl of Kildare, the deputy, and claim his protection as the unfortunate Warwick, than that credulous nobleman, not suspecting so bold an imposture, gave attention to him, and began to consult some persons of rank with regard to this extraordinary incident. These he found even more sanguine in their zeal and belief than himself: and in proportion as the story diffused itself among those of lower condition, it became the object of still greater passion and credulity, till the people in Dublin with one consent tendered their allegiance to Simnel, as to the true Plantagenet. Fond of a novelty which flattered their natural propensity, they overlooked the daughters of Edward IV., who stood before Warwick in the order of succession; they paid the pretended prince attendance as their sovereign, lodged him in the Castle of Dublin, crowned

him with a diadem taken from a statue of the Virgin, and publicly proclaimed him king, by the appellation of Edward VI. The whole island followed the example of the capital; and not a sword was any where drawn in Henry's quarrel.

When this intelligence was conveyed to the king, it reduced him to some perplexity. Determined always to face his enemies in person, he yet scrupled at present to leave England, where he suspected the conspiracy was first framed, and where he knew many persons of condition, and the people in general, were much disposed to give it countenance. In order to discover the secret source of the contrivance, and take measures against this open revolt, he held frequent consultations with his ministers and counsellors, and laid plans for a vigorous defence of his authority, and the suppression of his enemies.

The first event which followed these deliberations gave surprise to the public; it was the seizure of the queen dowager the forfeiture of all her lands and revenue, and the close confinement of her person in the nunnery of Bermondsey. The act of authority was covered with a very thin pretence. It was alleged that, notwithstanding the secret agreement to marry her daughter to Henry, she had yet yielded to the solicitations and menaces of Richard, and had delivered that princess and her sisters into the hands of the tyrant. This crime, which was now become obsolete, and might admit of alleviations, was therefore suspected not to be the real cause of the severity with which she was treated; and men believed that the king, unwilling to accuse so near a relation of a conspiracy against him, had cloaked his vengeance or precaution under color of an offence known to the whole world.<sup>16</sup> They were afterwards the more confirmed in this suspicion, when they found that the unfortunate queen, though she survived this disgrace several years, was never treated with any more lenity, but was allowed to end her life in poverty, solitude, and confinement.

The next measure of the king's was of a less exceptionable nature. He ordered that Warwick should be taken from the Tower, be led in procession through the streets of London, be conducted to St. Paul's, and there exposed to the view of the whole people. He even gave directions, that some men of rank, attached to the house of York, and best acquainted

with the person of this prince, should approach him and converse with him: and he trusted that these, being convinced of the absurd imposture of Simnel, would put a stop to the credulity of the populace. The expedient had its effect in England: but in Ireland the people still persisted in their revolt, and zealously retorted on the king the reproach of propagating an imposture, and of having shown a counterfeit Warwick to the public.

Henry had soon reason to apprehend, that the design against him was not laid on such slight foundations as the absurdity of the contrivance seemed to indicate. John, earl of Lincoln, son of John de la Pole, duke of Suffolk, and of Elizabeth, eldest sister to Edward IV., was engaged to take part in the conspiracy. This nobleman, who possessed capacity and courage, had entertained very aspiring views; and his ambition was encouraged by the known intentions of his uncle Richard, who had formed a design, in case he himself should die without issue, of declaring Lincoln successor to the crown. The king's jealousy against all eminent persons of the York party, and his rigor towards Warwick, had further struck Lincoln with apprehensions, and made him resolve to seek for safety in the most dangerous counsels. Having fixed a secret correspondence with Sir Thomas Broughton, a man of great interest in Lancashire, he retired to Flanders, where Lovel had arrived a little before him; and he lived during some time in the court of his aunt the duchess of Burgundy, by whom he had been invited over.

Margaret, widow of Charles the Bold, duke of Burgundy, not having any children of her own, attached herself with an entire friendship to her daughter-in-law, married to Maximilian, archduke of Austria; and after the death of that princess, she persevered in her affection to Philip and Margaret, her children, and occupied herself in the care of their education and of their persons. By her virtuous conduct and demeanor she had acquired great authority among the Flemings and lived with much dignity, as well as economy, upon that ample dowry which she inherited from her husband. The resentments of this princess were no less warm than her friendships; and that spirit of faction, which it is so difficult for a social and sanguine temper to guard against, had taken strong possession of her heart, and intrenched somewhat on the probity which shone forth in the other parts of her character. Hearing of the malignant jealousy entertained

by Henry against her family, and his oppression of all its partisans, she was moved with the highest indignation; and she determined to make him repent of that enmity to which so many of her friends, without any reason or necessity, had fallen victims.

After consulting with Lincoln and Lovel she hired a body of two <sup>1487.</sup> thousand veteran Germans, under the command of Martin Swart, a brave and experienced officer; <sup>17</sup> and sent them over, together with these two noblemen, to join Simnel in Ireland. The countenance given by persons of such high rank, and the accession of this military force, much raised the courage of the Irish, and made them entertain the resolution of invading England, where they believed the spirit of disaffection as prevalent as it appeared to be in Ireland. The poverty also under which they labored, made it impossible for them to support any longer their new court and army, and inspired them with a strong desire of enriching themselves by plunder and preferment in England.

Henry was not ignorant of these intentions of his enemies, and he prepared himself for defence. He ordered troops to be levied in different parts of the kingdom, and put them under the command of the duke of Bedford and earl of Oxford. He confined the marquis of Dorset, who, he suspected, would resent the injuries suffered by his mother, the queen dowager; and, to gratify the people by an appearance of devotion, he made a pilgrimage to our lady of Walsingham, famous for miracles; and there offered up prayers for success, and for deliverance from his enemies.

Being informed that Simnel was landed at Foudrey in Lancashire, he drew together his forces, and advanced towards the enemy as far as Coventry. The rebels had entertained hopes that the disaffected counties in the north would rise in their favor; but the people in general, averse to join Irish and German invaders, convinced of Lambert's imposture, and kept in awe by the king's reputation for success and conduct, either remained in tranquillity, or gave assistance to the royal army. The earl of Lincoln, therefore, who commanded the rebels, finding no hopes but in victory, was determined to bring the matter to a speedy decision; and the king, supported by the native courage of his temper, and emboldened by a great accession of volunteers, who had joined him under the earl of Shrewsbury and Lord Strange, declined not the combat. The hostile armies met at

Stoke, in the county of Nottingham, and fought a battle, which was bloody, and more obstinately disputed than could have been expected from the inequality of their force. All the leaders of the rebels were resolved to conquer or to perish; and they inspired their troops with like resolution. The Germans also, being veteran and experienced soldiers, kept the event long doubtful; and even the Irish, though ill-armed and almost defenceless, showed themselves not defective in spirit and bravery. The king's victory was purchased with loss, but was entirely decisive. Lincoln, Broughton, and Swart perished in the field of battle, with four thousand of their followers. As Lovel was never more heard of, he was believed to have undergone the same fate; Simnel, with his tutor, Simon, was taken prisoner. Simon, being a priest, was not tried at law, and was only committed to close custody: Simnel was too contemptible to be an object either of apprehension or resentment to Henry. He was pardoned, and made a scullion in the king's kitchen whence he was afterwards advanced to the rank of a falconer.<sup>18</sup>

Henry had now leisure to revenge himself on his enemies. He made a progress into the northern parts, where he gave many proofs of his rigorous disposition. A strict inquiry was made after those who had assisted or favored the rebels. The punishments were not all sanguinary: the king made his revenge subservient to his avarice. Heavy fines were levied upon the delinquents. The proceedings of the courts, and even the courts themselves, were arbitrary. Either the criminals were tried by commissioners appointed for the purpose, or they suffered punishment by sentence of a court-martial. And as a rumor had prevailed before the battle of Stoke, that the rebels had gained the victory, that the royal army was cut in pieces, and that the king himself had escaped by flight, Henry was resolved to interpret the belief or propagation of this report as a mark of disaffection; and he punished many for that pretended crime. But such in this age was the situation of the English government, that the royal prerogative, which was but imperfectly restrained during the most peaceable periods, was sure, in tumultuous or even suspicious times, which frequently recurred, to break all bounds of law, and to violate public liberty.

After the king had gratified his rigor by the punishment of his enemies, he determined to give contentment to the people in a point which, though a mere ceremony, was passionately desired by them. The queen had been married near two years, but had not yet been crowned; and this affectation of delay had given great discontent to the public, and had been one principal source of the disaffection which prevailed. The king, instructed by experience, now finished the ceremony of her coronation; and to show a disposition still more gracious, he restored to liberty the marquis of Dorset, who had been able to clear himself of all the suspicions entertained against him.

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<sup>1</sup> Rymer, tom. vii. p. 849. Coke's Inst. iv. Inst. part i. p. 37.

<sup>2</sup> Bacon in Kennet's Complete History, p. 579.

<sup>3</sup> Bacon, p. 579.

<sup>4</sup> Bacon, p. 579. Polyd. Virg. p. 565.

<sup>5</sup> Polyd. Virg. p. 567.

<sup>6</sup> Bacon, p. 661.

<sup>7</sup> Rot. Parl. 1 Henry VII. n. 2, 3, 4-15, 17, 26-65.

<sup>8</sup> Bacon, p. 581.

<sup>9</sup> Bacon, p. 581.

<sup>10</sup> Polyd. Virg. p. 566

<sup>11</sup> Bacon, p. 582.

<sup>12</sup> Polyd. Virg. p. 569.

<sup>13</sup> Bacon, p. 583.

<sup>14</sup> Polyd. Virg. p. 569. 570.

<sup>15</sup> Polyd. Virg. p. 570.

<sup>16</sup> Bacon, p. 583, Polyd. Virg. p. 571.

<sup>17</sup> Polyd. Virg. p. 572, 573.

<sup>18</sup> Bacon, p. 586. Polyd. Virg. p; 574.

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## CHAPTER 26.

### HENRY VII.

**T**he king acquired great reputation throughout Europe by the <sup>1488</sup>. vigorous and prosperous conduct of his domestic affairs; but as some incidents about this time invited him to look abroad, and exert himself in behalf of his allies, it will be necessary, in order to give a just account of his foreign measures, to explain the situation of the neighboring kingdoms, beginning with Scotland, which lies most contiguous.

The kingdom of Scotland had not yet attained that state which distinguishes a civilized monarchy, and which enables the government, by the force of its laws and institutions alone, without any extraordinary capacity in the sovereign, to maintain itself in order and tranquillity. James III., who now filled the throne, was a prince of little industry and of a narrow genius; and though it behoved him to yield the reins of government to his ministers, he had never been able to make any choice which could give contentment both to himself and to his people. When he bestowed his confidence on any of the principal nobility, he found that they exalted their own family to such a height as was dangerous to the prince, and gave umbrage to the state: when he conferred favor on any person of meaner birth, on whose submission he could more depend, the barons of his kingdom, enraged at the power of an upstart minion, proceeded to the utmost extremities against their sovereign. Had Henry entertained the ambition of conquests, a tempting opportunity now offered of reducing that kingdom to subjection; but as he was probably sensible that a warlike people, though they might be overrun by reason of their domestic divisions, could not be retained in obedience without a regular military force, which was then unknown in England, he rather intended the renewal of the peace with Scotland, and sent an embassy to James for that purpose. But the Scots, who never desired a durable peace with England, and who deemed their security to consist in constantly preserving themselves in a warlike posture, would not agree to more than a seven years' truce, which was accordingly concluded.<sup>1</sup>

The European states on the continent were then hastening fast to the situation in which they have remained, without any material alteration, for near three centuries; and began to unite themselves into one extensive system of policy, which comprehended the chief powers of Christendom. Spain, which had hitherto been almost entirely occupied within herself, now became formidable by the union of Arragon and Castile in the persons of Ferdinand and Isabella, who, being princes of great capacity, employed their force in enterprises the most advantageous to their combined monarchy. The conquest of Granada from the Moors was then undertaken, and brought near to a happy conclusion. And in that expedition the military genius of Spain was revived; honor and security were attained; and her princes, no longer kept in awe by a domestic enemy so dangerous, began to enter into all the transactions of Europe, and make a great figure in every war and negotiation.

Maximilian, king of the Romans, son of the emperor Frederick, had, by his marriage with the heiress of Burgundy, acquired an interest in the Netherlands; and though the death of his consort had weakened his connections with that country, he still pretended to the government as tutor to his son Philip, and his authority had been acknowledged by Brabant, Holland, and several of the provinces. But as Flanders and Hainault still refused to submit to his regency, and even appointed other tutors to Philip, he had been engaged in long wars against that obstinate people, and never was able thoroughly to subdue their spirit. That he might free himself from the opposition of France, he had concluded a peace with Lewis XI., and had given his daughter Margaret, then an infant, in marriage to the dauphin; together with Artois, Franche Comte, and Charolois, as her dowry. But this alliance had not produced the desired effect. The dauphin succeeded to the crown of France by the appellation of Charles VIII.; but Maximilian still found the mutinies of the Flemings fomented by the intrigues of the court of France.

France, during the two preceding reigns, had made a mighty increase in power and greatness; and had not other states of Europe at the same

time received an accession of force, it had been impossible to have retained her within her ancient boundaries. Most of the great fiefs, Normandy, Champagne, Anjou, Dauphny, Guienne, Provence, and Burgundy, had been united to the crown; the English had been expelled from all their conquests; the authority of the prince had been raised to such a height as enabled him to maintain law and order; a considerable military force was kept on foot, and the finances were able to support it. Lewis XI, indeed, from whom many of these advantages were derived, was dead, and had left his son, in early youth and ill educated, to sustain the weight of the monarchy: but having intrusted the government to his daughter Anne, lady of Beaujeu, a woman of spirit and capacity, the French power suffered no check or decline. On the contrary, this princess formed the great project, which at last she happily effected, of uniting to the crown Brittany, the last and most independent fief of the monarchy.

Francis II., duke of Brittany, conscious of his own incapacity for government, had resigned himself to the direction of Peter Landais, a man of mean birth, more remarkable for abilities than for virtue or integrity. The nobles of Brittany, displeased with the great advancement of this favorite, had even proceeded to disaffection against their sovereign; and after many tumults and disorders, they at last united among themselves, and in a violent manner seized, tried, and put to death the obnoxious minister. Dreading the resentment of the prince for this invasion of his authority, many of them retired to France; others, for protection and safety, maintained a secret correspondence with the French ministry, who, observing the great dissensions among the Bretons, thought the opportunity favorable for invading the duchy; and so much the rather as they could cover their ambition under the specious pretence of providing for domestic security.

Lewis, duke of Orleans, first prince of the blood, and presumptive heir of the monarchy, had disputed the administration with the lady of Beaujeu; and though his pretensions had been rejected by the states, he still maintained cabals with many of the grandees, and laid schemes for subverting the authority of that princess. Finding his conspiracies detected, he took to arms, and fortified himself in Beaugeune; but as his revolt was precipitate, before his confederates were ready to join him, he

had been obliged to submit, and to receive such conditions as the French ministry were pleased to impose upon him. Actuated, however, by his ambition, and even by his fears, he soon retired out of France, and took shelter with the duke of Brittany, who was desirous of strengthening himself against the designs of the lady of Beaujeu by the friendship and credit of the duke of Orleans. This latter prince also, perceiving the ascendant which he soon acquired over the duke of Brittany, had engaged many of his partisans to join him at that court, and had formed the design of aggrandizing himself by a marriage with Anne, the heir of that opulent duchy.

The barons of Brittany, who saw all favor engrossed by the duke of Orleans and his train, renewed a stricter correspondence with France, and even invited the French king to make an invasion on their country. Desirous, however, of preserving its independency, they had regulated the number of succors which France was to send them, and had stipulated that no fortified place in Brittany should remain in the possession of that monarchy; a vain precaution, where revolted subjects treat with a power so much superior! The French invaded Brittany with forces three times more numerous than those which they had promised to the barons; and advancing into the heart of the country, laid siege to Ploernel. To oppose them, the duke raised a numerous but ill-disciplined army, which he put under the command of the duke of Orleans, the count of Dunois, and others of the French nobility. The army, discontented with this choice, and jealous of their confederates, soon disbanded, and left their prince with too small a force to keep the field against his invaders. He retired to Vannes; but being hotly pursued by the French, who had now made themselves masters of Ploermel, he escaped to Nantz; and the enemy, having previously taken and garrisoned Vannes, Dinant, and other places, laid close siege to that city. The barons of Brittany, finding their country menaced with total subjection, began gradually to withdraw from the French army, and to make peace with their sovereign.

This desertion, however, of the Bretons discouraged not the court of France from pursuing her favorite project of reducing Brittany to subjection. The situation of Europe appeared favorable to the execution of this design. Maximilian was indeed engaged in close alliance with the duke

of Brittany and had even opened a treaty for marrying his daughter; but he was on all occasions so indigent, and at that time so disquieted by the mutinies of the Flemings, that little effectual assistance could be expected from him. Ferdinand was entirely occupied in the conquest of Granada; and it was also known, that if France would resign to him Roussillon and Cerdagne, to which he had pretensions, she could at any time engage him to abandon the interests of Brittany. England, alone, was both enabled by her power, and engaged by her interests, to support the independency of that duchy; and the most dangerous opposition was therefore, by Anne of Beaujeu, expected from that quarter. In order to cover her real designs, no sooner was she informed of Henry's success against Simnel and his partisans, than she despatched ambassadors to the court of London, and made professions of the greatest trust and confidence in that monarch.

The ambassadors, after congratulating Henry on his late victory, and communicating to him, in the most cordial manner, as to an intimate friend, some successes of their master against Maximilian, came in the progress of their discourse to mention the late transactions in Brittany. They told him that the duke having given protection to French fugitives and rebels, the king had been necessitated, contrary to his intention and inclination, to carry war into that duchy; that the honor of the crown was interested not to suffer a vassal so far to forget his duty to his liege lord; nor was the security of the government less concerned to prevent the consequences of this dangerous temerity: that the fugitives were no mean or obscure persons; but among others, the duke of Orleans, first prince of the blood, who, finding himself obnoxious to justice for treasonable practices in France, had fled into Brittany; where he still persevered in laying schemes of rebellion against his sovereign: that the war being thus, on the part of the French monarch, entirely defensive, it would immediately cease, when the duke of Brittany, by returning to his duty, should remove the causes of it: that their master was sensible of the obligations which the duke, in very critical times, had conferred on Henry; but it was known also, that, in times still more critical, he or his mercenary counsellors had deserted him, and put his life in the utmost hazard: that his sole refuge in these desperate extremities had been the court of France, which not only protected his person, but supplied him with men and money, with which, aided by his own valor and conduct, he had been

enabled to mount the throne of England; that France in this transaction had, from friendship to Henry acted contrary to what, in a narrow view, might be esteemed her own interest; since, instead of an odious tyrant, she had contributed to establish on a rival throne a prince endowed with such virtue and abilities; and that, as both the justice of the cause and the obligations conferred on Henry thus preponderated on the side of France, she reasonably expected that, if the situation of his affairs did not permit him to give her assistance, he would at least preserve a neutrality between the contending parties.<sup>2</sup>

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<sup>2</sup> Bacon, p. 589.

This discourse of the French ambassadors was plausible; and to give it greater weight, they communicated to Henry, as in confidence, their master's intention, after he should have settled the differences with Brittany to lead an army into Italy, and make good his pretensions to the kingdom of Naples; a project which, they knew, would give no umbrage to the court of England. But all these artifices were in vain employed against the penetration of the king. He clearly saw that France had entertained the view of subduing Brittany; but he also perceived, that she would meet with great, and, as he thought, insuperable difficulties in the execution of her project. The native force of that duchy, he knew, had always been considerable, and had often, without any foreign assistance, resisted the power of France; the natural temper of the French nation, he imagined, would make them easily abandon any enterprise which required perseverance; and as the heir of the crown was confederated with the duke of Brittany, the ministers would be still more remiss in prosecuting a scheme which must draw on them his resentment and displeasure. Should even these internal obstructions be removed, Maximilian, whose enmity to France was well known, and who now paid his addresses to the heiress of Brittany, would be able to make a diversion on the side of Flanders; nor could it be expected that France, if she prosecuted such ambitious projects, would be allowed to remain in tranquillity by Ferdinand and Isabella. Above all, he thought the French court could never expect that England, so deeply interested to preserve the independency of Brittany, so able by her

power and situation to give effectual and prompt assistance, would permit such an accession of force to her rival. He imagined, therefore, that the ministers of France, convinced of the impracticability of their scheme, would at last embrace pacific views, and would abandon an enterprise so obnoxious to all the potentates of Europe.

This reasoning of Henry was solid, and might justly engage him in dilatory and cautious measures: but there entered into his conduct another motive, which was apt to draw him beyond the just bounds, because founded on a ruling passion. His frugality, which by degrees degenerated into avarice, made him averse to all warlike enterprises and distant expeditions, and engaged him previously to try the expedient of negotiation. He despatched Urswic, his almoner, a man of address and abilities, to make offer of his mediation to the contending parties; an offer which, he thought, if accepted by France, would soon lead to a composure of all differences; if refused or eluded, would at least discover the perseverance of that court in her ambitious projects. Urswic found the lady of Beaujeu, now duchess of Bourbon, engaged in the siege of Nantz, and had the satisfaction to find that his master's offer of mediation was readily embraced and with many expressions of confidence and moderation. That able princess concluded, that the duke of Orleans, who governed the court of Brittany, foreseeing that every accommodation must be made at his expense, would use all his interest to have Henry's proposal rejected; and would by that means make an apology for the French measures, and draw on the Bretons the reproach of obstinacy and injustice. The event justified her prudence. When the English ambassador made the same offer to the duke of Brittany, he received for answer, in the name of that prince, that having so long acted the part of protector and guardian to Henry during his youth and adverse fortune, he had expected from a monarch of such virtue more effectual assistance in his present distresses than a barren offer of mediation, which suspended not the progress of the French arms: that if Henry's gratitude were not sufficient to engage him in such a measure, his prudence, as king of England, should discover to him the pernicious consequences attending the conquest of Brittany, and its annexation to the crown of France: that that kingdom, already too powerful, would be enabled, by so great an accession of force, to display, to the ruin of England, that hostile disposition which had always subsisted

between those rival nations: that Brittany, so useful an ally, which, by its situation, gave the English an entrance into the heart of France, being annexed to that kingdom, would be equally enabled from its situation to disturb, either by piracies or naval armaments, the commerce and peace of England: and that if the duke rejected Henry's mediation, it proceeded neither from an inclination to a war, which he experienced to be ruinous to him, nor from a confidence in his own force, which he knew to be much inferior to that of the enemy; but, on the contrary, from a sense of his present necessities, which must engage the king to act the part of his confederate, not that of a mediator.

When this answer was reported to the king, he abandoned not the plan which he had formed; he only concluded that some more time was requisite to quell the obstinacy of the Bretons, and make them submit to reason. And when he learned that the people of Brittany, anxious for their duke's safety, had formed a tumultuary army of sixty thousand men, and had obliged the French to raise the siege of Nantz, he fortified himself the more in his opinion, that the court of France would at last be reduced, by multiplied obstacles and difficulties, to abandon the project of reducing Brittany to subjection. He continued, therefore, his scheme of negotiation, and thereby exposed himself to be deceived by the artifices of the French ministry; who, still pretending pacific intentions, sent Lord Bernard Daubigni, a Scotchman of quality, to London, and pressed Henry not to be discouraged in offering his mediation to the court of Brittany. The king, on his part, despatched another embassy, consisting of Urswic, the abbot of Abingdon, and Sir Richard Tonstal, who carried new proposals for an amicable treaty. No effectual succors, meanwhile, were provided for the distressed Bretons. Lord Woodville, brother to the queen dowager, having asked leave to raise underhand a body of volunteers, and to transport them into Brittany, met with a refusal from the king, who was desirous of preserving the appearance of a strict neutrality. That nobleman, however, still persisted in his purpose. He went over to the Isle of Wight, of which he was governor, levied a body of four hundred men; and having at last obtained, as is supposed, the secret permission of Henry, sailed with them to Brittany. This enterprise proved fatal to the leader, and brought small relief to the unhappy duke. The Bretons rashly engaged in a general action with the French at St. Aubin, and were discomfited. Woodville and all the



English were put to the sword, together with a body of Bretons, who had been accoutred in the garb of Englishmen in order to strike a greater terror into the French, to whom the martial prowess of that nation was always formidable.<sup>3</sup> The duke of Orleans the prince of Orange, and many other persons of rank were taken prisoners; and the military force of Brittany was totally broken. The death of the duke, which followed soon after, threw affairs into still greater confusion, and seemed to threaten the state with a final subjection.

Though the king did not prepare against these events, so hurtful to the interests of England, with sufficient vigor and precaution, he had not altogether overlooked them. Determined to maintain a pacific conduct, as far as the situation of affairs would permit, he yet knew the warlike temper of his subjects, and observed that their ancient and inveterate animosity to France was now revived by the prospect of this great accession to her power and grandeur. He resolved, therefore to make advantage of this disposition, and draw some supplies from the people, on pretence of giving assistance to the duke of Brittany. He had summoned a parliament at Westminster;<sup>4</sup> and he soon persuaded them to grant him a considerable subsidy.<sup>5</sup> But this supply, though voted by parliament, involved the king in unexpected difficulties. The counties of Durham and York, always discontented with Henry's government, and further provoked by the late oppressions under which they had labored, after the suppression of Simnel's rebellion, resisted the commissioners who were appointed to levy the tax. The commissioners, terrified with this appearance of sedition, made application to the earl of Northumberland, and desired of him advice and assistance in the execution of their office. That nobleman thought the matter of importance enough to consult the king; who, unwilling to yield to the humors of a discontented populace, and foreseeing the pernicious consequence of such a precedent, renewed his orders for strictly levying the imposition. Northumberland summoned together the justices and chief freeholders, and delivered the king's commands in the most imperious terms which, he thought, would enforce obedience, but which tended only to provoke the people, and make them believe him the adviser of those orders which he delivered to them. <sup>6</sup> ...

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<sup>3</sup> Argentré Hist, de Bretagne, liv. xii.

<sup>4</sup> 9th November, 1487.

<sup>5</sup> Polyd. Virg. (p 579) says, that this imposition was a capitation tax; the other historians say, it was a tax of two shillings in the pound.

<sup>6</sup> Bacon, p. 595.

They flew to arms, attacked Northumberland in his house, and put him to death. Having incurred such deep guilt, their mutinous humor prompted them to declare against the king himself; and being instigated by John Achamber, a seditious fellow of low birth, they chose Sir John Egremont their leader, and prepared themselves for a vigorous resistance. Henry was not dismayed with an insurrection so precipitate and ill supported. He immediately levied a force, which he put under the command of the earl of Surrey, whom he had freed from confinement and received into favor. His intention was to send down these troops, in order to check the progress of the rebels; while he himself should follow with a greater body, which would absolutely insure success. But Surrey thought himself strong enough to encounter alone a raw and unarmed multitude; and he succeeded in the attempt. The rebels were dissipated; John Achamber was taken prisoner, and afterwards executed with some of his accomplices; Sir John Egremont fled to the duchess of Burgundy, who gave him protection; the greater number of the rebels received a pardon.

Henry had probably expected, when he obtained this grant from parliament, that he should be able to terminate the affair of Brittany by negotiation, and that he might thereby fill his coffers with the money levied by the imposition. But as the distresses of the Bretons still multiplied, and became every day more urgent, he found himself under the necessity of taking more vigorous measures, in order to support them. On the death of the duke, the French had revived some antiquated claims to the dominion of the duchy; and as the duke of Orleans was now captive in France, their former pretence for hostilities could no longer serve as a cover to their ambition. The king resolved therefore to engage as auxiliary to Brittany; and to consult the interests, as well as desires of his people, by

opposing himself to the progress of the French power. Besides entering into a league with Maximilian, and another with Ferdinand, which were distant resources, he levied a body of troops, to the number of six thousand men, with an intention of transporting them into Brittany.

Still anxious, however, for the repayment of his expenses, he concluded <sup>1489</sup>. a treaty with the young duchess, by which she engaged to deliver into his hands two seaport towns, there to remain till she should entirely refund the charges of the armament.<sup>7</sup>

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<sup>7</sup> Du Tillet, Recueil des Traités.

Though he engaged for the service of these troops during the space of ten months only, yet was the duchess obliged, by the necessity of her affairs, to submit to such rigid conditions, imposed by any ally so much concerned in interest to protect her. The forces arrived under the command of Lord Willoughby of Broke; and made the Bretons, during some time, masters of the field. The French retired into their garrisons; and expected by dilatory measures to waste the fire of the English, and disgust them with the enterprise. The scheme was well laid, and met with success. Lord Broke found such discord and confusion in the counsels of Brittany, that no measures could be concerted for any undertaking; no supply obtained; no provisions, carriages, artillery, or military stores procured. The whole court was rent into factions: no one minister had acquired the ascendant: and whatever project was formed by one, was sure to be traversed by another. The English, disconcerted in every enterprise by these animosities and uncertain counsels, returned home as soon as the time of their service was elapsed, leaving only a small garrison in those towns which had been consigned into their hands. During their stay in Brittany, they had only contributed still further to waste the country; and by their departure, they left it entirely at the mercy of the enemy. So feeble was the succor which Henry in this important conjuncture afforded his ally, whom the invasion of a foreign enemy, concurring with domestic dissensions, had reduced to the utmost distress.

The great object of the domestic dissensions in Brittany was the disposal of the young duchess in marriage. The mareschal Rieux, favored by Henry, seconded the suit of the lord D'Albret, who led some forces to her assistance. The chancellor Montauban, observing the aversion of the duchess to this suitor, insisted that a petty prince, such as D'Albret, was unable to support Anne in her present extremities; and he recommended some more powerful alliance, particularly that of Maximilian, king of the Romans.

This party at last prevailed; the marriage with Maximilian was <sup>1490.</sup> celebrated by proxy; and the duchess thenceforth assumed the title of queen of the Romans. But this magnificent appellation was all she gained by her marriage. Maximilian, destitute of troops and money, and embarrassed with the continual revolts of the Flemings, could send no succor to his distressed consort; while D'Albret, enraged at the preference given to his rival, deserted her cause, and received the French into Nantz, the most important place in the duchy both for strength and riches.

The French court now began to change their scheme with regard to the subjection of Brittany. Charles had formerly been affianced to Margaret, daughter of Maximilian; who, though too young for the consummation of her marriage, had been sent to Paris to be educated, and at this time bore the title of queen of France. Besides the rich dowry which she brought the king, she was, after her brother Philip, then in early youth, heir to all the dominions of the house of Burgundy; and seemed in many respects the most proper match that could be chosen for the young monarch. These circumstances had so blinded both Maximilian and Henry, that they never suspected any other intentions in the French court; nor were they able to discover that engagements, seemingly so advantageous and so solemnly entered into, could be infringed and set aside. But Charles began to perceive that the conquest of Brittany, in opposition to the natives, and to all the great powers of Christendom, would prove a difficult enterprise; and that even if he should overrun the country and make himself master of the fortresses, it would be impossible for him long to retain possession of them. The marriage alone of the duchess could fully reannex that fief to the crown; and the present and certain enjoyment of so considerable a territory, seemed preferable to the

prospect of inheriting the dominions of the house of Burgundy; a prospect which became every day more distant and precarious. Above all, the marriage of Maximilian and Anne appeared destructive to the grandeur and even security of the French monarchy; while that prince, possessing Flanders on the one hand, and Brittany on the other, might thus, from both quarters, make inroads into the heart of the country. The only remedy for these evils was therefore concluded to be the dissolution of the two marriages, which had been celebrated, but not consummated; and the espousal of the duchess of Brittany by the king of France.

It was necessary that this expedient, which had not been foreseen by any court in Europe, and which they were all so much interested to oppose, should be kept a profound secret, and should be discovered to the world only by the full execution of it. The measures of the French ministry in the conduct of this delicate enterprise were wise and political. While they pressed Brittany with all the rigors of war, they secretly gained the count of Dunois, who possessed great authority with the Bretons; and having also engaged in their interests the prince of Orange, cousin-german to the duchess, they gave him his liberty, and sent him into Brittany. These partisans, supported by other emissaries of France, prepared the minds of men for the great revolution projected, and displayed, though still with many precautions, all the advantages of a union with the French monarchy. They represented to the barons of Brittany, that their country, harassed during so many years with perpetual war, had need of some repose, and of a solid and lasting peace with the only power that was formidable to them: that their alliance with Maximilian was not able to afford them even present protection; and, by closely uniting them to a power which was rival to the greatness of France, fixed them in perpetual enmity with that potent monarchy: that their vicinity exposed them first to the inroads of the enemy; and the happiest event which, in such a situation, could befall them, would be to attain a peace, though by a final subjection to France, and by the loss of that liberty transmitted to them from their ancestors: and that any other expedient, compatible with the honor of the state and their duty to their sovereign, was preferable to a scene of such disorder and devastation.

These suggestions had influence with the Bretons: but the chief difficulty lay in surmounting the prejudices of the young duchess herself. That princess had imbibed a strong prepossession against the French nation, particularly against Charles, the author of all the calamities which, from her earliest infancy, had befallen her family. She had also fixed her affections on Maximilian; and as she now deemed him her husband, she could not, she thought, without incurring the greatest guilt, and violating the most solemn engagements, contract a marriage with any other person.

In order to overcome her obstinacy, Charles gave the duke of Orleans <sup>1491</sup>. his liberty; who, though formerly a suitor to the duchess, was now contented to ingratiate himself with the king, by employing in his favor all the interest which he still possessed in Brittany. Mareschal Rieux and Chancellor Montauban were reconciled by his mediation; and these rival ministers now concurred with the prince of Orange and the count of Dunois, in pressing the conclusion of a marriage with Charles. By their suggestion, Charles advanced with a powerful army, and invested Rennes, at that time the residence of the duchess; who, assailed on all hands, and finding none to support her in her inflexibility, at last opened the gates of the city, and agreed to espouse the king of France. She was married at Langey, in Touraine; conducted to St. Denis, where she was crowned; thence made her entry into Paris, amidst the joyful acclamations of the people, who regarded this marriage as the most prosperous event that could have befallen the monarchy.

The triumph and success of Charles was the most sensible mortification to the king of the Romans. He had lost a considerable territory, which he thought he had acquired, and an accomplished princess, whom he had espoused; he was affronted in the person of his daughter Margaret, who was sent back to him, after she had been treated during some years as queen of France; he had reason to reproach himself with his own supine security, in neglecting the consummation of his marriage, which was easily practicable for him, and which would have rendered the tie indissoluble: these considerations threw him into the most violent rage, which he vented in very indecent expressions; and he threatened France with an invasion from the united arms of Austria, Spain, and England.

The king of England had also just reason to reproach himself with misconduct in this important transaction; and though the affair had terminated in a manner which he could not precisely foresee, his negligence, in leaving his most useful ally so long exposed to the invasion of superior power, could not but appear on reflection the result of timid caution and narrow politics. As he valued himself on his extensive foresight and profound judgment, the ascendant acquired over him by a raw youth, such as Charles, could not but give him the highest displeasure, and prompt him to seek vengeance, after all remedy for his miscarriage was become absolutely impracticable. But he was further actuated by avarice, a motive still more predominant with him than either pride or revenge; and he sought, even from his present disappointments, the gratification of this ruling passion. On pretence of a French war, he issued a commission for levying a “benevolence” on his people;<sup>8</sup> a species of taxation which had been abolished by a recent law of Richard III.

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<sup>8</sup> Rymer, vol. xii. p. 446. Bacon says that the benevolence was levied with consent of parliament, which is a mistake.

This violence (for such it really was) fell chiefly on the commercial part of the nation, who were possessed of the ready money. London alone contributed to the amount of near ten thousand pounds. Archbishop Morton, the chancellor, instructed the commissioners to employ a dilemma, in which every one might be comprehended: if the persons applied to lived frugally, they were told that their parsimony must necessarily have enriched them; if their method of living were splendid and hospitable, they were concluded to be opulent on account of their expenses. This device was by some called Chancellor Morton’s fork, by others his crutch.

So little apprehensive was the king of a parliament on account of his levying this arbitrary imposition, that he soon after summoned that assembly to meet at Westminster; and he even expected to enrich himself further by working on their passions and prejudices. He knew the displeasure which the English had conceived against France on account of the acquisition of Brittany; and he took care to insist on that topic, in the

speech which he himself pronounced to the parliament. He told them, that France, elated with her late successes, had even proceeded to a contempt of England, and had refused to pay the tribute which Lewis XI had stipulated to Edward IV.: that it became so warlike a nation as the English to be roused by this indignity, and not to limit their pretensions merely to repelling the present injury: that, for his part, he was determined to lay claim to the crown itself of France, and to maintain by force of arms so just a title, transmitted to him by his gallant ancestors: that Crecy, Poitiers, and Azincour were sufficient to instruct them in their superiority over the enemy; nor did he despair of adding new names to the glorious catalogue; that a king of France had been prisoner in London, and a king of England had been crowned at Paris; events which should animate them to an emulation of like glory with that which had been enjoyed by their forefathers: that the domestic dissensions of England had been the sole cause of her losing these foreign dominions; and her present internal union would be the effectual means of recovering them: that where such lasting honor was in view, and such an important acquisition, it became not brave men to repine at the advance of a little treasure: and that, for his part, he was determined to make the war maintain itself; and hoped by the invasion of so opulent a kingdom as France, to increase rather than diminish the riches of the nation.<sup>9</sup>

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<sup>9</sup> Bacon, p. 601.

Notwithstanding these magnificent vaunts of the king, all men of penetration concluded, from the personal character of the man, and still more from the situation of affairs, that he had no serious intention of pushing the war to such extremities as he pretended. France was not now in the same condition as when such successful inroads had been made upon her by former kings of England. The great fiefs were united to the crown; the princes of the blood were desirous of tranquillity; the nation abounded with able captains and veteran soldiers; and the general aspect of her affairs seemed rather to threaten her neighbors, than to promise them any considerable advantages against her. The levity and vain-glory of Maximilian were supported by his pompous titles; but were ill seconded by



military power, and still less by any revenue proportioned to them. The politic Ferdinand, while he made a show of war, was actually negotiating for peace; and rather than expose himself to any hazard, would accept of very moderate concessions from France. Even England was not free from domestic discontents; and in Scotland, the death of Henry's friend and ally, James III., who had been murdered by his rebellious subjects, had made way for the succession of his son, James IV., who was devoted to the French interest, and would surely be alarmed at any important progress of the English arms. But all these obvious considerations had no influence on the parliament. Inflamed by the ideas of subduing France, and of enriching themselves by the spoils of that kingdom, they gave into the snare prepared for them, and voted the supply which the king demanded. Two fifteenths were granted him; and the better to enable his vassals and nobility to attend him, an act was passed, empowering them to sell their estates, without paying any fines for alienation.

The nobility were universally seized with a desire of military glory; and <sup>1492.</sup> having credulously swallowed all the boasts of the king, they dreamed of no less than carrying their triumphant banners to the gates of Paris, and putting the crown of France on the head of their sovereign. Many of them borrowed large sums, or sold off manors, that they might appear in the field with greater splendor, and lead out their followers in more complete order. The king crossed the sea, and arrived at Calais on the sixth of October, with an army of twenty-five thousand foot and sixteen hundred horse, which he put under the command of the duke of Bedford and the earl of Oxford: but as some inferred, from his opening the campaign in so late a season, that peace would soon be concluded between the crowns, he was desirous of suggesting a contrary inference. "He had come over," he said, "to make an entire conquest of France, which was not the work of one summer. It was therefore of no consequence at what season he began the invasion; especially as he had Calais ready for winter quarters." As if he had seriously intended this enterprise, he instantly marched into the enemy's country, and laid siege to Boulogne: but notwithstanding this appearance of hostility, there had been secret advances made towards peace above three months before; and commissioners had been appointed to treat of the terms. The better to reconcile the minds of men to this unexpected measure, the king's ambassadors arrived in the camp from the

Low Countries, and informed him, that Maximilian was in no readiness to join him; nor was any assistance to be expected from that quarter. Soon after, messengers came from Spain, and brought news of a peace concluded between that kingdom and France, in which Charles had made a cession of the counties of Roussillon and Cerdagne to Ferdinand. Though these articles of intelligence were carefully dispersed throughout the army, the king was still apprehensive lest a sudden peace, after such magnificent promises and high expectations, might expose him to reproach. In order the more effectually to cover the intended measures, he secretly engaged the marquis of Dorset, together with twenty-three persons of distinction, to present him a petition for agreeing to a treaty with France. The pretence was founded on the late season of the year, the difficulty of supplying the army at Calais during winter, the obstacles which arose in the siege of Boulogne, the desertion of those allies whose assistance had been most relied on: events which might, all of them, have been foreseen before the embarkation of the forces.

In consequence of these preparatory steps, the bishop of Exeter and Lord Daubeney were sent to confer at Estaples with the mareschal de Cordes, and to put the last hand to the treaty. A few days sufficed for that purpose: the demands of Henry were wholly pecuniary; and the king of Franco, who deemed the peaceable possession of Brittany an equivalent for any sum, and who was all on fire for his projected expedition into Italy, readily agreed to the proposals made him. He engaged to pay Henry seven hundred and forty-five thousand crowns, near four hundred thousand pounds sterling of our present money; partly as a reimbursement of the sums advanced to Brittany, partly as arrears of the pension due to Edward IV. And he stipulated a yearly pension to Henry and his heirs of twenty-five thousand crowns. Thus the king, as remarked by his historian, made profit upon his subjects for the war, and upon his enemies for the peace.<sup>10</sup> And the people agreed that he had fulfilled his promise, when he said to the parliament that he would make the war maintain itself. Maximilian was, if he pleased, comprehended in Henry's treaty; but he disdained to be in any respect beholden to an ally, of whom, he thought, he had reason to complain: he made a separate peace with France, and obtained restitution of Artois, Franche Compte, and Charolois, which had been ceded as the dowry of his daughter when she was affianced to the king of France.

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<sup>10</sup>..... Bacon, p. 605. Polyd Virg. p. 586.

The peace concluded between England and France was the more likely to continue, because Charles, full of ambition and youthful hopes, bent all his attention to the side of Italy, and soon after undertook the conquest of Naples; an enterprise which Henry regarded with the greater indifference, as Naples lay remote from him, and France had never, in any age, been successful in that quarter. The king's authority was fully established at home; and every rebellion which had been attempted against him, had hitherto tended only to confound his enemies, and consolidate his power and influence. His reputation for policy and conduct was daily augmenting; his treasures had increased even from the most unfavorable events; the hopes of all pretenders to his throne were cut off, as well by his marriage as by the issue which it had brought him. In this prosperous situation, the king had reason to flatter himself with the prospect of durable peace and tranquillity; but his inveterate and indefatigable enemies, whom he had wantonly provoked, raised him an adversary, who long kept him in inquietude, and sometimes even brought him into danger.

The duchess of Burgundy, full of resentment for the depression of her family and its partisans, rather irritated than discouraged by the ill success of her past enterprises, was determined at least to disturb that government which she found it so difficult to subvert. By means of her emissaries, she propagated a report that her nephew, Richard Plantagenet, duke of York, had escaped from the Tower when his elder brother was murdered, and that he still lay somewhere concealed: and finding this rumor, however improbable, to be greedily received by the people, she had been looking out for some young man proper to personate that unfortunate prince.

There was one Osbec, or Warbec, a renegade Jew of Tournay, who had been carried by some business to London in the reign of Edward IV., and had there a son born to him. Having had opportunities of being known to the king, and obtaining his favor, he prevailed with that prince, whose manners were very affable, to stand godfather to his son, to whom he gave the name of Peter, corrupted, after the Flemish manner, into Peterkin, or

Perkin. It was by some believed that Edward, among his amorous adventures, had a secret commerce with Warbec's wife; and people thence accounted for that resemblance which was afterwards remarked between young Perkin and that monarch.<sup>11</sup>

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<sup>11</sup> Bacon, p. 606.

Some years after the birth of this child, Warbec returned to Tournay; where Perkin, his son, did not long remain, but by different accidents, was carried from place to place, and his birth and fortunes became thereby unknown, and difficult to be traced by the most diligent inquiry. The variety of his adventures had happily favored the natural versatility and sagacity of his genius; and he seemed to be a youth perfectly fitted to act any part, or assume any character. In this light he had been represented to the duchess of Burgundy, who, struck with the concurrence of so many circumstances suited to her purpose, desired to be made acquainted with the man, on whom she already began to ground her hopes of success. She found him to exceed her most sanguine expectations; so comely did he appear in his person, so graceful in his air, so courtly in his address, so full of docility and good sense in his behavior and conversation. The lessons necessary to be taught him, in order to his personating the duke of York, were soon learned by a youth of such quick apprehension; but as the season seemed not then favorable for their enterprise, Margaret, in order the better to conceal him, sent him, under the care of Lady Brampton into Portugal, where he remained a year unknown to all the world.

The war, which was then ready to break out between France and England, seemed to afford a proper opportunity for the discovery of this new phenomenon; and Ireland, which still retained its attachments to the house of York, was chosen as the proper place for his first appearance.<sup>12</sup> He landed at Cork; and immediately assuming the name of Richard Plantagenet, drew to him partisans among that credulous people. He wrote letters to the earls of Desmond and Kildare, inviting them to join his party: he dispersed every where the strange intelligence of his escape from the cruelty of his uncle Richard: and men, fond of every thing new and

wonderful, began to make him the general subject of their discourse, and even the object of their favor.

The news soon reached France; and Charles, prompted by the secret solicitations of the duchess of Burgundy, and the intrigues of one Frion, a secretary of Henry's, who had deserted his service, sent Perkin an invitation to repair to him at Paris. He received him with all the marks of regard due to the duke of York; settled on him a handsome pension, assigned him magnificent lodgings, and in order to provide at once for his dignity and security, gave him a guard for his person, of which Lord Congresal accepted the office of captain. The French courtiers readily embraced a fiction which their sovereign thought it his interest to adopt: Perkin, both by his deportment and personal qualities, supported the prepossession which was spread abroad of his royal pedigree: and the whole kingdom was full of the accomplishments, as well as the singular adventures and misfortunes, of the young Plantagenet. Wonders of this nature are commonly augmented at a distance. From France the admiration and credulity diffused themselves into England: Sir George Nevil,<sup>13</sup> Sir John Taylor, and above a hundred gentlemen more, came to Paris, in order to offer their services to the supposed duke of York, and to share his fortunes: and the impostor had now the appearance of a court attending him, and began to entertain hopes of final success in his undertakings.

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<sup>12</sup> Polyd Virg. p. 589.

When peace was concluded between France and England at Estaples, Henry applied to have Perkin put into his hands; but Charles, resolute not to betray a young man, of whatever birth, whom he had invited into his kingdom, would agree only to dismiss him. The pretended Richard retired to the duchess of Burgundy, and craving her protection and assistance, offered to lay before her all the proofs of that birth to which he laid claim. The princess affected ignorance of his pretensions; even put on the appearance of distrust: and having, as she said, been already deceived by Simnel, she was determined never again to be seduced by any impostor. She desired before all the world to be instructed in his reasons for

assuming the name which he bore; seemed to examine every circumstance with the most scrupulous nicety; put many particular questions to him; affected astonishment at his answers; and at last, after long and severe scrutiny, burst out into joy and admiration at his wonderful deliverance, embraced him as her nephew, the true image of Edward, the sole heir of the Plantagenets, and the legitimate successor to the English throne.

She immediately assigned him an equipage suited to his pretended <sup>1493</sup> birth; appointed him a guard of thirty halberdiers; engaged every one to pay court to him; and on all occasions honored him with the appellation of the White Rose of England. The Flemings, moved by the authority which Margaret, both from her rank and personal character, enjoyed among them, readily adopted the fiction of Perkin's royal descent: no surmise of his true birth was as yet heard of little contradiction was made to the prevailing opinion: and the English, from their great communication with the Low Countries, were every day more and more prepossessed in favor of the impostor.

It was not the populace alone of England that gave credit to Perkin's pretensions. Men of the highest birth and quality, disgusted at Henry's government, by which they found the nobility depressed, began to turn their eyes towards the new claimant; and some of them even entered into a correspondence with him. Lord Fitzwater, Sir Simon Mountfort, Sir Thomas Thwaites, betrayed their inclination towards him: Sir William Stanley himself, lord chamberlain, who had been so active in raising Henry to the throne, moved either by blind credulity or a restless ambition, entertained the project of a revolt in favor of his enemy.<sup>14</sup>

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<sup>13</sup> Bacon, p. 608.

Sir Robert Clifford and William Barley were still more open in their measures: they went over to Flanders, were introduced by the duchess of Burgundy to the acquaintance of Perkin, and made him a tender of their services. Clifford wrote back to England, that he knew perfectly the person of Richard, duke of York, that this young man was undoubtedly that prince himself, and that no circumstance of his story was exposed to the least

difficulty. Such positive intelligence, conveyed by a person of rank and character, was sufficient with many to put the matter beyond question, and excited the attention and wonder even of the most indifferent. The whole nation was held in suspense; a regular conspiracy was formed against the king's authority, and a correspondence settled between the malecontents in Flanders and those in England.

The king was informed of all these particulars; but agreeably to his character, which was both cautious and resolute, he proceeded deliberately, though steadily, in counterworking the projects of his enemies. His first object was to ascertain the death of the real duke of York, and to confirm the opinion that had always prevailed with regard to that event. Five persons had been employed by Richard in the murder of his nephews, or could give evidence with regard to it; Sir James Tyrrel, to whom he had committed the government of the Tower for that purpose, and who had seen the dead princes; Forrest, Dighton, and Slater, who perpetrated the crime; and the priest who buried the bodies. Tyrrel and Dighton alone were alive, and they agreed in the same story; but as the priest was dead, and as the bodies were supposed to have been removed by Richard's orders from the place where they were first interred, and could not now be found, it was not in Henry's power to put the fact, so much as he wished, beyond all doubt and controversy.

He met at first with more difficulty, but was in the end more successful, in detecting who this wonderful person was that thus boldly advanced pretensions to his crown. He dispersed his spies all over Flanders and England; he engaged many to pretend that they had embraced Perkin's party; he directed them to insinuate themselves into the confidence of the young man's friends; in proportion as they conveyed intelligence of any conspirator, he bribed his retainers, his domestic servants, nay, sometimes his confessor, and by these means traced up some other confederate; Clifford himself he engaged, by the hope of rewards and pardon, to betray the secrets committed to him; the more trust he gave to any of his spies, the higher resentment did he feign against them, some of them he even caused to be publicly anathematized, in order the better to procure them the confidence of his enemies: and in the issue, the whole plan of the conspiracy was clearly laid before him; and the

pedigree, adventures, life, and conversation of the pretended duke of York. This latter part of the story was immediately published for the satisfaction of the nation: the conspirators he reserved for a slower and surer vengeance.

Meanwhile he remonstrated with the archduke Philip, on account of the <sup>1494</sup> countenance and protection which was afforded in his dominions to so infamous an impostor; contrary to treaties subsisting between the sovereigns, and to the mutual amity which had so long been maintained by the subjects of both states. Margaret had interest enough to get his application rejected; on pretence that Philip had no authority over the demesnes of the duchess dowager. And the king, in resentment of this injury, cut off all commerce with the Low Countries, banished the Flemings, and recalled his own subjects from these provinces. Philip retaliated by like edicts; but Henry knew, that so mutinous a people as the Flemings would not long bear, in compliance with the humors of their prince, to be deprived of the beneficial branch of commerce which they carried on with England.

He had it in his power to inflict more effectual punishment on his domestic enemies; and when his projects were sufficiently matured, he failed not to make them feel the effects of his resentment. Almost in the same instant he arrested Fitzwater, Mountfort, and Thwaites, together with William Daubeney, Robert Rateliff, Thomas Cressenor, and Thomas Astwood. All these were arraigned, convicted, and condemned for high treason, in adhering and promising aid to Perkin. Mountfort, Ratcliff, and Daubeney were immediately executed: Fitzwater was sent over to Calais, and detained in custody; but being detected in practising on his keeper for an escape, he soon after underwent the same fate. The rest were pardoned, together with William Worseley, dean of St. Paul's, and some others, who had been accused and examined, but not brought to public trial.<sup>15</sup>

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<sup>14</sup> Polyd. Virg. p. 592.

Greater and more solemn preparations were deemed requisite for the trial of Stanley, lord chamberlain, whose authority in the nation, whose



domestic connections with the king, as well as his former services, seemed to secure him against any accusation or punishment. Clifford was directed to come over privately to England, and to throw himself at the king's feet while he sat in council; craving pardon for past offences and offering to atone for them by any services which should be required of him. Henry then told him, that the best proof he could give of penitence, and the only service he could now render him, was the full confession of his guilt, and the discovery of all his accomplices, however distinguished by rank or character. Encouraged by this exhortation, Clifford accused Stanley, then present, as his chief abettor; and offered to lay before the council the full proof of his guilt. Stanley himself could not discover more surprise than was affected by Henry on the occasion. He received the intelligence as absolutely false and incredible; that a man, to whom he was in a great measure beholden for his crown, and even for his life; a man, to, whom, by every honor and favor, he had endeavored to express his gratitude; whose brother, the earl of Derby, was his own father-in-law; to whom he had even committed the trust of his person, by creating him lord chamberlain: that this man, enjoying his full confidence and affection, not actuated by any motive of discontent or apprehension, should engage in a conspiracy against him. Clifford was therefore exhorted to weigh well the consequences of his accusation; but as he persisted in the same positive asseverations, Stanley was committed to custody, and was soon after examined before the council.<sup>16</sup> He denied not the guilt imputed to him by Clifford; he did not even endeavor much to extenuate it; whether he thought that a frank and open confession would serve as an atonement, or trusted to his present connections and his former services for pardon and security. But princes are often apt to regard great services as a ground of jealousy, especially if accompanied with a craving and restless disposition in the person who has performed them. The general discontent also, and mutinous humor of the people, seemed to require some great example of severity. And as Stanley was one of the most opulent subjects in the kingdom, being possessed of above three thousand pounds a year in land, and forty thousand marks in plate and money, besides other property of great value, the prospect of so rich a forfeiture was deemed no small motive for Henry's proceeding to extremities against him.

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After six weeks' delay, which was interposed in order to show that <sup>1495</sup> the king was restrained by doubts and scruples, the prisoner was brought to his trial, condemned, and presently after beheaded. Historians are not agreed with regard to the crime which was proved against him. The general report is, that he should have said in confidence to Clifford, that if he were sure the young man who appeared in Flanders was really son to King Edward, he never would bear arms against him. The sentiment might disgust Henry, as implying a preference of the house of York to that of Lancaster; but could scarcely be the ground, even in those arbitrary times, of a sentence of high treason against Stanley. It is more probable, therefore, as is asserted by some historians, that he had expressly engaged to assist Perkin, and had actually sent him some supply of money.

The fate of Stanley made great impression on the kingdom, and struck all the partisans of Perkin with the deepest dismay. From Clifford's desertion, they found that all their secrets were betrayed; and as it appeared that Stanley, while he seemed to live in the greatest confidence with the king, had been continually surrounded by spies, who reported and registered every action in which he was engaged, nay, every word which fell from him, a general distrust took place, and all mutual confidence was destroyed, even among intimate friends and acquaintance. The jealous and severe temper of the king, together with his great reputation for sagacity and penetration, kept men in awe, and quelled not only the movements of sedition, but the very murmurs of faction. Libels, however, crept out against Henry's person and administration; and being greedily propagated by every secret art, showed that there still remained among the people a considerable root of discontent, which wanted only a proper opportunity to discover itself.

But Henry continued more intent on increasing the terrors of his people, than on gaining their affections. Trusting to the great success which attended him in all his enterprises, he gave every day more and more a loose to his rapacious temper, and employed the arts of perverted law and justice, in order to exact fines and compositions from his people. Sir William Capel, alderman of London, was condemned on some penal

statutes to pay the sum of two thousand seven hundred and forty-three pounds, and was obliged to compound for sixteen hundred and fifteen. This was the first noted case of the kind; but it became a precedent, which prepared the way for many others. The management, indeed, of these arts of chicanery, was the great secret of the king's administration. While he depressed the nobility, he exalted, and honored, and caressed the lawyers; and by that means both bestowed authority on the laws, and was enabled, whenever he pleased, to pervert them to his own advantage. His government was oppressive; but it was so much the less burdensome, as, by his extending royal authority, and curbing the nobles, he became in reality the sole oppressor in his kingdom.

As Perkin found that the king's authority daily gained ground among the people, and that his own pretensions were becoming obsolete, he resolved to attempt something which might revive the hopes and expectations of his partisans. Having collected a band of outlaws, pirates, robbers, and necessitous persons of all nations, to the number of six hundred men, he put to sea, with a resolution of making a descent in England, and of exciting the common people to arms, since all his correspondence with the nobility was cut off by Henry's vigilance and severity. Information being brought him that the king had made a progress to the north, he cast anchor on the coast of Kent, and sent some of his retainers ashore, who invited the country to join him. The gentlemen of Kent assembled some troops to oppose him; but they purposed to do more essential service than by repelling the invasion: they carried the semblance of friendship to Perkin, and invited him to come himself ashore, in order to take the command over them. But the wary youth, observing that they had more order and regularity in their movements than could be supposed in newly levied forces who had taken arms against established authority, refused to intrust himself into their hands; and the Kentish troops, despairing of success in their stratagem, fell upon such of his retainers as were already landed; and besides some whom they slew, they took a hundred and fifty prisoners. These were tried and condemned and all of them executed, by orders from the king, who was resolved to use no lenity towards men of such desperate fortunes.<sup>17</sup>

This year a parliament was summoned in England, and another in Ireland; and some remarkable laws were passed in both countries. The English parliament enacted, that no person who should by arms, or otherwise assist the king for the time being, should ever afterwards, either by course of law or act of parliament, be attainted for such an instance of obedience. This statute might be exposed to some censure, as favorable to usurpers; were there any precise rule, which always, even during the most factious times, could determine the true successor, and render every one inexcusable who did not submit to him. But as the titles of princes are then the great subject of dispute, and each party pleads topics in its own favor, it seems but equitable to secure those who act in support of public tranquillity, an object at all times of undoubted benefit and importance. Henry, conscious of his disputed title, promoted this law, in order to secure his partisans against all events; but as he had himself observed a contrary practice with regard to Richard's adherents, he had reason to apprehend that, during the violence which usually ensues on public convulsions, his example, rather than his law, would, in case of a new revolution, be followed by his enemies. And the attempt to bind the legislature itself, by prescribing rules to future parliaments, was contradictory to the plainest principles of political government.

This parliament also passed an act, empowering the king to levy, by course of law, all the sums which any person had agreed to pay by way of benevolence; a statute by which that arbitrary method of taxation was indirectly authorized and justified.

The king's authority appeared equally prevalent and uncontrolled in Ireland. Sir Edward Poynings had been sent over to that country, with an intention of quelling the partisans of the house of York, and of reducing the natives to subjection. He was not supported by forces sufficient for that enterprise: the Irish, by flying into their woods, and morasses, and mountains, for some time eluded his efforts; but Poynings summoned a parliament at Dublin, where he was more successful. He passed that memorable statute, which still bears his name, and which establishes the

authority of the English government in Ireland. By this statute, all the former laws of England were made to be of force in Ireland; and no bill can be introduced into the Irish parliament, unless it previously receive the sanction of the council of England. This latter clause seems calculated for insuring the dominion of the English; but was really granted at the desire of the Irish commons who intended, by that means, to secure themselves from the tyranny of their lords, particularly of such lieutenants or deputies as were of Irish birth.<sup>18</sup>.....

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<sup>17</sup> Sir John Davis, p. 236.

While Henry's authority was thus established throughout his dominions, and general tranquillity prevailed, the whole continent was thrown into combustion by the French invasion of Italy, and by the rapid success which attended Charles in that rash and ill-concerted enterprise. The Italians, who had entirely lost the use of arms, and who, in the midst of continual wars, had become every day more unwarlike, were astonished to meet an enemy that made the field of battle, not a pompous tournament, but a scene of blood, and sought, at the hazard of their own lives, the death of their enemy. Their effeminate troops were dispersed every where on the approach of the French army: their best fortified cities opened their gates: kingdoms and states were in an instant overturned; and through the whole length of Italy, which the French penetrated without resistance, they seemed rather to be taking quarters in their own country, than making conquests over an enemy. The maxims which the Italians during that age followed in negotiations, were as ill calculated to support their states, as the habits to which they were addicted in war: a treacherous, deceitful, and inconsistent system of politics prevailed; and even those small remains of fidelity and honor, which were preserved in the councils of the other European princes, were ridiculed in Italy, as proofs of ignorance and rusticity. Ludovico, duke of Milan, who invited the French to invade Naples, had never desired or expected their success; and was the first that felt terror from the prosperous issue of those projects which he himself had concerted. By his intrigues, a league was formed among several potentates, to oppose the progress of Charles's conquests, and secure their

own independency. This league was composed of Ludovico himself, the pope, Maximilian, king of the Romans, Ferdinand of Spain, and the republic of Venice. Henry too entered into the confederacy; but was not put to any expense or trouble in consequence of his engagements. The king of France, terrified by so powerful a combination, retired from Naples with the greater part of his army, and returned to France. The forces which he left in his new conquest were, partly by the revolt of the inhabitants, partly by the invasion of the Spaniards, soon after subdued; and the whole kingdom of Naples suddenly returned to its allegiance under Ferdinand, son to Alphonso, who had been suddenly expelled by the irruption of the French. Ferdinand died soon after, and left his uncle Frederick in full possession of the throne.



## CHAPTER 27.

### HENRY VII.

After Perkin was repulsed from the coast of Kent, he retired into <sup>1495</sup>. Flanders; but as he found it impossible to procure subsistence for himself and his followers while he remained in tranquillity, he soon after made an attempt upon Ireland, which had always appeared forward to join every invader of Henry's authority. But Poynings had now put the affairs of that island in so good a posture, that Perkin met with little success; and being tired of the savage life which he was obliged to lead, while skulking among the wild Irish, he bent his course towards Scotland, and presented himself to James IV., who then governed that kingdom. He had been previously recommended to this prince by the king of France, who was disgusted at Henry for entering into the general league against him; and this recommendation was even seconded by Maximilian, who, though one of the confederates, was also displeased with the king, on account of his prohibiting in England all commerce with the Low Countries. The countenance given to Perkin by these princes procured him a favorable reception with the king of Scotland, who assured him, that, whatever he were, he never should repent putting himself in his hands:<sup>1</sup> the insinuating address and plausible behavior of the youth himself, seem to have gained him credit and authority. James, whom years had not yet taught distrust or caution, was seduced to believe the story of Perkin's birth and adventures; and he carried his confidence so far as to give him in marriage the lady Catharine Gordon, daughter of the earl of Huntley, and related to himself; a young lady too, eminent for virtue as well as beauty.

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<sup>1</sup> Bacon, p. 615. Polyd. Virg. p. 596, 597.

There subsisted at that time a great jealousy between the courts of <sup>1496</sup>. England and Scotland; and James was probably the more forward on that account to adopt any fiction which he thought might reduce his enemy to distress or difficulty. He suddenly resolved to make an inroad into

England, attended by some of the borderers; and he carried Perkin along with him, in hopes that the appearance of the pretended prince might raise an insurrection in the northern counties. Perkin himself dispersed a manifesto, in which he set forth his own story, and craved the assistance of all his subjects in expelling the usurper, whose tyranny and maladministration, whose depression of the nobility by the elevation of mean persons, whose oppression of the people by multiplied impositions and vexations, had justly, he said, rendered him odious to all men. But Perkin's pretensions, attended with repeated disappointments, were now become stale in the eyes even of the populace; and the hostile dispositions which subsisted between the kingdoms, rendered a prince supported by the Scots but an unwelcome present to the English nation. The ravages also committed by the borderers, accustomed to license and disorder, struck a terror into all men, and made the people prepare rather for repelling the invaders than for joining them. Perkin, that he might support his pretensions to royal birth, feigned great compassion for the misery of his plundered subjects, and publicly remonstrated with his ally against the depredations exercised by the Scottish army;<sup>2</sup> but James told him, that he doubted his concern was employed only in behalf of an enemy, and that he was anxious to preserve what never should belong to him. That prince now began to perceive that his attempt would be fruitless; and hearing of an army which was on its march to attack him, he thought proper to retreat into his own country.

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<sup>2</sup> Polyd. Virg. p. 598.

The king discovered little anxiety to procure either reparation or vengeance for this insult committed on him by the Scottish nation: his chief concern was to draw advantage from it, by the pretence which it might afford him to levy impositions on his own subjects. He summoned a parliament, to whom he made bitter complaints against the irruption of the Scots, the absurd imposture countenanced by that nation, the cruel devastations committed in the northern counties, and the multiplied insults thus offered both to the king and kingdom of England. The parliament made the expected return to this discourse, by granting a



subsidy to the amount of one hundred and twenty thousand pounds, together with two fifteenths. After making this grant, they were dismissed. The vote of parliament for imposing the tax was without much difficulty <sup>1497</sup>. procured by the authority of Henry but he found it not so easy to levy the money upon his subjects. The people, who were acquainted with the immense treasures which he had amassed, could ill brook the new impositions raised on every slight occasion; and it is probable that the flaw which was universally known to be in his title, made his reign the more subject to insurrections and rebellions. When the subsidy began to be levied in Cornwall, the inhabitants, numerous and poor, robust and courageous, murmured against a tax occasioned by a sudden inroad of the Scots, from which they esteemed themselves entirely secure, and which had usually been repelled by the force of the northern counties. Their ill humor was further incited by one Michael Joseph, a farrier of Bodmin, a notable prating fellow, who, by thrusting himself forward on every occasion, and being loudest in every complaint against the government, had acquired an authority among those rude people. Thomas Flammoc, too, a lawyer, who had become the oracle of the neighborhood, encouraged the sedition, by informing them that the tax, though imposed by parliament, was entirely illegal; that the northern nobility were bound by their tenures to defend the nation against the Scots; and that if these new impositions were tamely submitted to, the avarice of Henry and of his ministers would soon render the burden intolerable to the nation. The Cornish, he said, must deliver to the king a petition, seconded by such a force as would give it authority; and in order to procure the concurrence of the rest of the kingdom, care must be taken, by their orderly deportment, to show that they had nothing in view but the public good, and the redress of all those grievances under which the people had so long labored.

Encouraged by these speeches, the multitude flocked together, and armed themselves with axes, bills, bows, and such weapons as country people are usually possessed of. Flammoc and Joseph were chosen their leaders. They soon conducted the Cornish through the county of Devon, and reached that of Somerset. At Taunton, the rebels killed, in their fury, an officious and eager commissioner of the subsidy, whom they called the provost of Perin. When they reached Wells, they were joined by Lord

Audley, a nobleman of an ancient family, popular in his department, but vain, ambitious and restless in his temper. He had from the beginning maintained a secret correspondence with the first movers of the insurrection, and was now joyfully received by them as their leader. Proud of the countenance given them by so considerable a nobleman, they continued their march, breathing destruction to the king's ministers and favorites, particularly to Morton, now a cardinal, and Sir Reginald Bray, who were deemed the most active instruments in all his oppressions. Notwithstanding their rage against the administration, they carefully followed the directions given them by their leaders; and as they met with no resistance, they committed, during their march, no violence or disorder.

The rebels had been told by Flammoc that the inhabitants of Kent, as they had ever, during all ages, remained unsubdued, and had even maintained their independence during the Norman conquest, would surely embrace their party, and declare themselves for a cause which was no other than that of public good and general liberty. But the Kentish people had very lately distinguished themselves by repelling Perkin's invasion; and as they had received from the king many gracious acknowledgments for this service, their affections were by that means much conciliated to his government. It was easy, therefore, for the earl of Kent, Lord Abergavenny, and Lord Cobham, who possessed great authority in those parts, to retain the people in obedience; and the Cornish rebels, though they pitched their camp near Eltham, at the very gates of London, and invited all the people to join them, got reënforcement from no quarter. There wanted not discontents every where, but no one would take part in so rash and ill-concerted an enterprise; and besides, the situation in which the king's affairs then stood discouraged even the boldest and most daring.

Henry, in order to oppose the Scots, had already levied an army, which he put under the command of Lord Daubeney, the chamberlain; and as soon as he heard of the Cornish insurrection, he ordered it to march southwards and suppress the rebels. Not to leave the northern frontier defenceless, he despatched thither the earl of Surrey, who assembled the forces on the borders, and made head against the enemy. Henry found here the concurrence of the three most fatal incidents that can befall a

monarchy; a foreign enemy, a domestic rebellion, and a pretender to his crown; but he enjoyed great resources in his army and treasure, and still more in the intrepidity and courage of his own temper. He did not, however, immediately give full scope to his military spirit. On other occasions, he had always hastened to a decision; and it was a usual saying with him, "that he desired but to see his rebels:" but as the Cornish mutineers behaved in an inoffensive manner, and committed no spoil on the country; as they received no accession of force on their march or in their encampment, and as such hasty and popular tumults might be expected to diminish every moment by delay; he took post in London, and assiduously prepared the means of insuring victory.

After all his forces were collected, he divided them into three bodies, and marched out to assail the enemy. The first body, commanded by the earl of Oxford, and under him by the earls of Essex and Suffolk, were appointed to place themselves behind the hill on which the rebels were encamped: the second, and most considerable, Henry put under the command of Lord Daubeney, and ordered him to attack the enemy in front, and bring on the action. The third he kept as a body of reserve about his own person, and took post in St. George's Fields; where he secured the city, and could easily, as occasion served, either restore the fight or finish the victory. To put the enemy off their guard, he had spread a report that he was not to attack them till some days after; and the better to confirm them in this opinion, he began not the action till near the evening. Daubeney beat a detachment of the rebels from Deptford bridge; and before their main body could be in order to receive him, he had gained the ascent of the hill, and placed himself in array before them. They were formidable from their numbers, being sixteen thousand strong, and were not defective in valor; but being tumultuary troops, ill armed, and not provided with cavalry or artillery, they were but an unequal match for the king's forces. Daubeney began the attack with courage, and even with a contempt of the enemy which had almost proved fatal to him. He rushed into the midst of them, and was taken prisoner; but soon after was released by his own troops. After some resistance, the rebels were broken and put to flight.<sup>3</sup>

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<sup>3</sup> Polyd. Virg. p. 601.

Lord Audley, Flammoc, and Joseph, their leaders, were taken, and all three executed. The latter seemed even to exult in his end, and boasted, with a preposterous ambition, that he should make a figure in his tory. The rebels, being surrounded on every side by the king's troops, were almost all made prisoners; and immediately dismissed without further punishment: whether, that Henry was satisfied with the victims who had fallen in the field, and who amounted to near two thousand, or that he pitied the ignorance and simplicity of the multitude, or favored them on account of their inoffensive behavior; or was pleased that they had never, during their insurrection, disputed his title, and had shown no attachment to the house of York, the highest crime of which, in his eyes, they could have been guilty.

The Scottish king was not idle during these commotions in England. He levied a considerable army, and sat down before the Castle of Norham, in Northumberland; but found that place, by the precaution of Fox, bishop of Durham, so well provided both with men and ammunition, that he made little or no progress in the siege. Hearing that the earl of Surrey had collected some forces, and was advancing upon him, he retreated into his own country, and left the frontiers exposed to the inroads of the English general, who besieged and took Aiton, a small castle lying a few miles beyond Berwick. These unsuccessful or frivolous attempts on both sides prognosticated a speedy end to the war; and Henry, notwithstanding his superior force, was no less desirous than James of terminating the differences between the nations. Not to depart, however, from his dignity, by making the first advances, he employed in this friendly office Peter Hialas, a man of address and learning, who had come to him as ambassador from Ferdinand and Isabella, and who was charged with a commission of negotiating the marriage of the Infanta Catharine, their daughter, with Arthur, prince of Wales.<sup>4</sup>

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<sup>4</sup> Polyd. Virg. p. 603.

Hialas took a journey northwards, and offered his mediation between James and Henry, as minister of a prince who was in alliance with both potentates. Commissioners were soon appointed to meet and confer on terms of accommodation. The first demand of the English was, that Perkin should be put into their hands: James replied, that he himself was no judge of the young man's pretensions; but having received him as a supplicant, and promised him protection, he was determined not to betray a man who had trusted to his good faith and his generosity. The next demand of the English met with no better reception: they required reparation for the ravages committed by the late inroads into England: the Scottish commissioners replied, that the spoils were like water spilt upon the ground, which could never be recovered; and that Henry's subjects were better able to bear the loss, than their master to repair it. Henry's commissioners next proposed, that the two kings should have an interview at Newcastle, in order to adjust all differences; but James said, that he meant to treat of a peace, not to go a begging for it. Lest the conferences should break off altogether without effect, a truce was concluded for some months; and James, perceiving that while Perkin remained in Scotland he himself never should enjoy a solid peace with Henry, privately desired him to depart the kingdom.

Access was now barred Perkin into the Low Countries, his usual retreat in all his disappointments. The Flemish merchants, who severely felt the loss resulting from the interruption of commerce with England, had made such interest in the archduke's council, that commissioners were sent to London, in order to treat of an accommodation. The Flemish court agreed, that all English rebels should be excluded the Low Countries; and in this prohibition the demesnes of the duchess dowager were expressly comprehended. When this principal article was agreed to, all the other terms were easily adjusted. A treaty of commerce was finished, which was favorable to the Flemings, and to which they long gave the appellation of "intercurus magnus," the great treaty. And when the English merchants returned to their usual abode at Antwerp, they were publicly received, as in procession, with joy and festivity.

Perkin was a Fleming by descent, though born in England; and it might therefore be doubted whether he were included in the treaty

between the two nations: but as he must dismiss all his English retainers if he took shelter in the Low Countries, and as he was sure of a cold reception, if not bad usage, among people who were determined to keep on terms of friendship with the court of England, he thought fit rather to hide himself during some time in the wilds and fastnesses of Ireland. Impatient, however, of a retreat which was both disagreeable and dangerous, he held consultations with his followers, Herne, Skelton, and Astley, three broken tradesmen: by their advice he resolved to try the affections of the Cornish, whose mutinous disposition, notwithstanding the king's lenity, still subsisted after the suppression of their rebellion. No sooner did he appear at Bodmin, in Cornwall, than the populace, to the number of three thousand, flocked to his standard, and Perkin, elated with this appearance of success, took on him, for the first time, the appellation of Richard IV., king of England. Not to suffer the expectations of his followers to languish, he presented himself before Exeter; and by many fair promises invited that city to join him. Finding that the inhabitants shut their gates against him, he laid siege to the place; but being unprovided with artillery, ammunition, and every thing requisite for the attempt, he made no progress in his undertaking. Messengers were sent to the king, informing him of this insurrection: the citizens of Exeter meanwhile were determined to hold out to the last extremity, in expectation of receiving succor from the well-known vigilance of that monarch.

When Henry was informed that Perkin was landed in England, he expressed great joy, and prepared himself with alacrity to attack him, in hopes of being able, at length, to put a period to pretensions which had so long given him vexation and inquietude. All the courtiers, sensible that their activity on this occasion would be the most acceptable service which they could render the king, displayed their zeal for the enterprise, and forwarded his preparations. The lords Daubeney and Broke, with Sir Rice ap Thomas, hastened forward with a small body of troops to the relief of Exeter. The earl of Devonshire, and the most considerable gentlemen in the county of that name, took arms of their own accord, and marched to join the king's generals. The duke of Buckingham put himself at the head of a troop, consisting of young nobility and gentry, who served as volunteers, and who longed for an opportunity of displaying their courage and their loyalty. The king himself prepared to follow with a considerable

army; and thus all England seemed united against a pretender who had at first engaged their attention and divided their affections.

Perkin, informed of these great preparations, immediately raised the siege of Exeter, and retired to Taunton. Though his followers now amounted to the number of near seven thousand, and seemed still resolute to maintain his cause, he himself despaired of success, and secretly withdrew to the sanctuary of Beaulieu, in the new forest. The Cornish rebels submitted to the king's mercy, and found that it was not yet exhausted in their behalf. Except a few persons of desperate fortunes, who were executed, and some others who were severely fined, all the rest were dismissed with impunity. Lady Catharine Gordon, wife to Perkin fell into the hands of the victor, and was treated with a generosity which does him honor. He soothed her mind with many marks of regard, placed her in a reputable station about the queen and assigned her a pension, which she enjoyed even under his successor.

Henry deliberated what course to take with Perkin himself. Some <sup>1498</sup> counselled him to make the privileges of the church yield to reasons of state, to take him by violence from the sanctuary, to inflict on him the punishment due to his temerity, and thus at once to put an end to an imposture which had long disturbed the government, and which the credulity of the people and the artifices of malcontents were still capable of reviving. But the king deemed not the matter of such importance as to merit so violent a remedy, He employed some persons to deal with Perkin, and persuade him, under promise of pardon, to deliver himself into the king's hands.<sup>5</sup> The king conducted him in a species of mock triumph to London. As Perkin passed along the road and through the streets of the city, men of all ranks flocked about him, and the populace treated with the highest derision his fallen fortunes. They seemed desirous of revenging themselves, by their insults, for the shame which their former belief of his impostures had thrown upon them. Though the eyes of the nation were generally opened with regard to Perkin's real parentage, Henry required of him a confession of his life and adventures; and he ordered the account of the whole to be dispersed soon after, for the satisfaction of the public. But as his regard to decency made him entirely suppress the share which the duchess of Burgundy had had in contriving and conducting the imposture,

the people, who knew that she had been the chief instrument in the whole affair, were inclined, on account of the silence on that head, to pay the less credit to the authenticity of the narrative.

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<sup>5</sup> Polyd. Virg. p. 606.

But Perkin, though his life was granted him, was still detained in <sup>1499</sup> custody; and keepers were appointed to guard him. Impatient of confinement, he broke from his keepers, and flying to the sanctuary of Shyne, put himself into the hands of the prior of that monastery. The prior had obtained great credit by his character of sanctity; and he prevailed on the king again to grant a pardon to Perkin. But in order to reduce him to still greater contempt, he was set in the stocks at Westminster and Cheapside, and obliged in both places to read aloud to the people the confession which had formerly been published in his name. He was then confined to the Tower, where his habits of restless intrigue and enterprise followed him. He insinuated himself into the intimacy of four servants of Sir John Digby, lieutenant of the Tower; and by their means opened a correspondence with the earl of Warwick, who was confined in the same prison. This unfortunate prince, who had from his earliest youth been shut up from the commerce of men, and who was ignorant even of the most common Affairs of life, had fallen into a simplicity which made him susceptible of any impression. The continued dread also of the more violent effects of Henry's tyranny, joined to the natural love of liberty, engaged him to embrace a project for his escape, by the murder of the lieutenant; and Perkin offered to conduct the whole enterprise. The conspiracy escaped not the king's vigilance: it was even very generally believed, that the scheme had been laid by himself, in order to draw Warwick and Perkin into the snare; but the subsequent execution of two of Digby's servants for the contrivance seems to clear the king of that imputation, which was indeed founded more on the general idea entertained of his character than on any positive evidence.

Perkin, by this new attempt, after so many enormities, had rendered himself totally unworthy of mercy; and he was accordingly arraigned, condemned, and soon after hanged at Tyburn, persisting still in the



confession of his imposture.<sup>6</sup> It happened about that very time that one Wilford, a cordwainer's son, encouraged by the surprising credit given to other impostures, had undertaken to personate the earl of Warwick; and a priest had even ventured from the pulpit to recommend his cause to the people, who seemed still to retain a propensity to adopt it. This incident served Henry as a pretence for his severity towards that prince. He was brought to trial, and accused, not of contriving his escape, (for as he was committed for no crime, the desire of liberty must have been regarded as natural and innocent,) but of forming designs to disturb the government, and raise an insurrection among the people. Warwick confessed the indictment was condemned, and the sentence was executed upon him.

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<sup>6</sup> Stowe, Baker, Speed, Biondi, Holingshed, Bacon. Some late writers, particularly Mr. Carte, have doubted whether Perkin were an impostor, and have even asserted him to be the true Plantagenet. But to refute this opinion, we need only reflect on the following particulars: (1.) Though the circumstances of the wars between the two roses be in general involved in great obscurity, yet is there a most luminous ray thrown on all the transactions during the usurpation of Richard, and the murder of the two young princes, by the narrative of Sir Thomas More, whose singular magnanimity, probity, and judgment, make him an evidence beyond all exception. No historian, either of ancient or modern times, can possibly have more weight: he may also be justly esteemed a contemporary with regard to the murder of the two princes; for though he was but five years of age when that event happened, he lived and was educated among the chief actors during the period of Richard; and it is plain from this narrative itself, which is often extremely circumstantial, that he had the particulars from the eyewitnesses themselves. His authority, therefore, is irresistible, and sufficient to overbalance a hundred little doubts, and scruples, and objections. For in reality his narrative is liable to no solid objection, nor is there any mistake detected in it. He says, indeed, that the protector's partisans, particularly Dr. Shaw, spread abroad rumors of Edward IV.'s pre-contract with Elizabeth Lucy; whereas it now appears from record, that the parliament afterwards declared the king's children illegitimate, on pretence of his pre-contract with lady Eleanor Talbot. But it must be remarked, that neither of these pre-contracts was ever so much as attempted to be proved; and why might not the protector's flatterers and partisans have made use sometimes of one false rumor, sometimes of another? Sir Thomas More mentions the one rumor as well as the other, and treats them both lightly, as they deserved. It is also thought incredible by Mr. Carte, that Dr. Shaw should have been encouraged by Richard to calumniate openly his mother the duchess of York, with whom that prince lived in good terms. But if there

be any difficulty in this supposition, we need only suppose, that Dr. Shaw might have concerted in general his sermon with the protector or his ministers, and yet have chosen himself the particular topics, and chosen them very foolishly. This appears, indeed, to have been the case, by the disgrace into which he fell afterwards, and by the protector's neglect of him. (2.) If Sir Thomas's quality of contemporary be disputed with regard to the duke of Gloucester's protectorate, it cannot possibly be disputed with regard to Perkin's imposture: he was then a man, and had a full opportunity of knowing and examining and judging of the truth. In asserting that the duke of York was murdered by his uncle, he certainly asserts, in the most express terms, that Perkin, who personated him, was an impostor. (3.) There is another great genius who has carefully treated this point of history; so great a genius, as to be esteemed with justice one of the chief ornaments of the nation, and indeed one of the most sublime writers that any age or nation has produced. It is Lord Bacon I mean, who has related at full length, and without the least doubt or hesitation, all the impostures of Perkin Warbeck. If it be objected, that Lord Bacon was no contemporary, and that we have the same materials as he upon which to form our judgment; it must be remarked, the lord Bacon plainly composed his elaborate and exact history from many records and papers which are now lost, and that consequently he is always to be cited as an original historian. It were very strange, if Mr. Carte's opinion were just, that, among all the papers which Lord Bacon perused, he never found any reason to suspect Perkin to be the true Plantagenet. There was at that time no interest in defaming Richard III. Bacon, besides, is a very unbiassed historian, nowise partial to Henry; we know the detail of that prince's oppressive government from him alone. It may only be thought that, in summing up his character, he has laid the colors of blame more faintly than the very facts he mentions seem to require. Let me remark, in passing, as a singularity, how much English history has been beholden to four great men who have possessed the highest dignity in the law, More, Bacon, Clarendon, and Whitlocke. (4.) But if contemporary evidence be so much sought after, there may in this case be produced the strongest and most undeniable in the world. The queen dowager, her son the marquis of Dorset, a man of excellent understanding Sir Edward Woodville, her brother, Sir Thomas St. Leger, who had married the king's sister, Sir John Bourchier, Sir Robert Willoughby, Sir Giles Daubeney, Sir Thomas Arundel, the Courtneys, the Cheyneys, the Talbots, the Stanleys, and, in a word, all the partisans of the house of York, that is, the men of chief dignity in the nation; all these great persons were so assured of the murder of the two princes, that they applied to the earl of Richmond, the mortal enemy of their party and family; they projected to set him on the throne, which must have been utter ruin to them if the princes were alive; and they stipulated to marry him to the princess Elizabeth, as heir to the crown, who in that case was no heir at all. Had each of those persons written the memoirs of his own times, would he not have said that Richard murdered his nephews? Or would their pen be a better declaration

than their actions, of their real sentiments? (5.) But we have another contemporary authority, still better than even those great persons, so much interested to know the truth: it is that of Richard himself. He projected to marry his niece, a very unusual alliance in England, in order to unite her title with his own. He knew, therefore, her title to be good: for as to the declaration of her illegitimacy, as it went upon no proof, or even pretence of proof, it was always regarded with the utmost contempt by the nation, and it was considered as one of those parliamentary transactions, so frequent in that period, which were scandalous in themselves, and had no manner of authority. It was even so much despised, as not to be reversed by parliament after Henry and Elizabeth were on the throne. (6.) We have also, as contemporary evidence, the universal established opinion of the age, both abroad and at home. This point was regarded as so uncontroverted, that when Richard notified his accession to the court of France, that court was struck with horror at his abominable parricide in murdering both his nephews, as Philip de Comines tells us; and this sentiment went to such an unusual height, that, as we learn from the same author, the court would not make the least reply to him. (7.) The same reasons which convinced that age of the parricide still subsist, and ought to carry the most undoubted evidence to us; namely, the very circumstance of the sudden disappearance of the princes from the Tower, and their appearance nowhere else. Every one said, "They have not escaped from their uncle, for he makes no search after them: he has not conveyed them elsewhere; for it is his business to declare so, in order to remove the imputation of murder from himself. He never would needlessly subject himself to the infamy and danger of being esteemed a parricide, without acquiring the security attending that crime. They were in his custody. He is answerable for them. If he gives no account of them, as he has a plain interest in their death, he must, by every rule of common sense, be regarded as the murderer. His flagrant usurpation, as well as his other treacherous and cruel actions, makes no better be expected from him. He could not say, with Cain, that he was not his nephews' keeper." This reasoning, which was irrefragable at the very first, became every day stronger from Richard's continued silence, and the general and total ignorance of the place of these princes' abode. Richard's reign lasted about two years beyond this period; and surely he could not have found a better expedient for disappointing the earl of Richmond's projects, as well as justifying his own character, than the producing of his nephews. (8.) If it were necessary, amidst this blaze of evidence, to produce proofs which, in any other case, would have been regarded as considerable, and would have carried great validity with them, I might mention Dighton and Tyrrel's account of the murder. This last gentleman especially was not likely to subject himself to the reproach of so great a crime, by an imposture which, it appears, did not acquire him the favor of Henry. (9.) The duke of York, being a boy of nine years of age, could not have made his escape without the assistance of some elder persons. Would it not have been their chief concern instantly to convey intelligence of so great an event

to his mother, the queen dowager, to his aunt, the duchess of Burgundy, and to the other friends of the family. The duchess protected Simnel; a project which, had it been successful, must have ended in the crowning of Warwick and the exclusion of the duke of York. This, among many other proofs, evinces that she was ignorant of the escape of that prince, which is impossible had it been real. (10.) The total silence with regard to the persons who aided him in his escape, as also with regard to the place of his abode during more than eight years, is a sufficient proof of the imposture. (11.) Perkin's own account of his escape is incredible and absurd. He said, that murderers were employed by his uncle to kill him and his brother; they perpetrated the crime against his brother, but took compassion on him, and allowed him to escape. This account is contained in all the historians of that age. (12.) Perkin himself made a full confession of his imposture no less than three times; once when he surrendered himself prisoner, a second time when he was set in the stocks at Cheapside and Westminster, and a third time, which carries undoubted evidence, at the foot of the gibbet on which he was hanged. Not the least surmise that the confession had ever been procured by torture; and surely the last time he had nothing further to fear. (13.) Had not Henry been assured that Perkin was a ridiculous impostor, disavowed by the whole nation, he never would have allowed him to live an hour after he came into his power, much less would he have twice pardoned him. His treatment of the innocent earl of Warwick, who, in reality, had no title to the crown, is a sufficient confirmation of this reasoning. (14.) We know with certainty whence the whole imposture came, namely, from the intrigues of the duchess of Burgundy. She had before acknowledged and supported Lambert Simnel, an avowed impostor. It is remarkable that Mr. Carte, in order to preserve the weight of the duchess's testimony in favor of Perkin, suppresses entirely this material fact: a strong effect of party prejudices, and this author's desire of blackening Henry VII., whose hereditary title to the crown was defective. (15.) There never was, at that time, any evidence or shadow of evidence produced of Perkin's identity with Richard Plantagenet. Richard had disappeared when near nine years of age, and Perkin did not appear till he was a man. Could any one from his aspect pretend then to be sure of the identity? He had got some stories concerning Richard's childhood, and the court of England; but all that it was necessary for a boy of nine to remark or remember, was easily suggested to him by the duchess of Burgundy, or Frion, Henry's secretary, or by any body that had ever lived at court. It is true, many persons of note were at first deceived; but the discontents against Henry's government, and the general enthusiasm for the house of York, account sufficiently for this temporary delusion. Everybody's eyes were opened long before Perkin's death. (16.) The circumstance of finding the two dead bodies in the reign of Charles II. is not surely indifferent. They were found in the very place which More, Bacon, and other ancient authors, had assigned as the place of interment of the young princes; the bones corresponded by their size to the age of the princes; the secret and irregular place of their interment, not being in holy

ground, proves that the boys had been secretly murdered; and in the Tower no boys but those who are very nearly related to the crown can be exposed to a violent death. If we compare all these circumstances, we shall find that the inference is just and strong, that they were the bodies of Edward V. and his brother, the very inference that was drawn at the time of the discovery.

Since the publication of this History, Mr. Walpole has published his *Historic Doubts* concerning Richard III. Nothing can be a stronger proof how ingenious and agreeable that gentleman's pen is, than his being able to make an inquiry concerning a remote point of English history, an object of general conversation. The foregoing note has been enlarged on account of that performance.]

This violent act of tyranny, the great blemish of Henry's reign, by which he destroyed the last remaining male of the line of Plantagenet, begat great discontent among the people, who saw an unhappy prince, that had long been denied all the privileges of his high birth, even been cut off from the common benefits of nature, now at last deprived of life itself, merely for attempting to shake off that oppression under which he labored. In vain did Henry endeavor to alleviate the odium of this guilt, by sharing it with his ally, Ferdinand of Arragon, who, he said, had scrupled to give his daughter Catharine in marriage to Arthur while any male descendant of the house of York remained. Men, on the contrary, felt higher indignation at seeing a young prince sacrificed, not to law and justice, but to the jealous politics of two subtle and crafty tyrants.

But though these discontents festered in the minds of men, they were so checked by Henry's watchful policy and steady severity, that they seemed not to weaken his government; and foreign princes, deeming his throne now entirely secure, paid him rather the greater deference and attention. The archduke Philip, in particular, desired an interview with him; and Henry, who had passed over to Calais, agreed to meet him in St. Peter's church, near that city. The archduke, on his approaching the king, made haste to alight, and offered to hold Henry's stirrup; a mark of condescension which that prince would not admit of. He called the king "father," "patron," "protector;" and by his whole behavior expressed a strong desire of conciliating the friendship of England. The duke of Orleans had succeeded to the crown of France by the appellation of Lewis XII.; and having carried his arms into Italy, and subdued the duchy of

Milan, his progress begat jealousy in Maximilian, Philip's father, as well as in Ferdinand, his father-in-law. By the counsel, therefore, of these monarchs, the young prince endeavored by every art to acquire the amity of Henry, whom they regarded as the chief counterpoise to the greatness of France. No particular plan, however, of alliance seems to have been concerted between these two princes in their interview: all passed in general professions of affection and regard; at least, in remote projects of a closer union, by the future intermarriages of their children, who were then in a state of infancy.

The Pope, too, Alexander VI., neglected not the friendship of a monarch <sup>1500.</sup> whose reputation was spread over Europe. He sent a nuncio into England, who exhorted the king to take part in the great alliance projected for the recovery of the Holy Land, and to lead in person his forces against the infidels. The general frenzy for crusades was now entirely exhausted in Europe; but it was still thought a necessary piece of decency to pretend zeal for those pious enterprises. Henry regretted to the nuncio the distance of his situation, which rendered it inconvenient for him to expose his person in defence of the Christian cause. He promised, however, his utmost assistance by aids and contributions; and rather than the pope should go alone to the holy wars, unaccompanied by any monarch, he even promised to overlook all other considerations, and to attend him in person. He only required, as a necessary condition, that all differences should previously be adjusted among Christian princes, and that some seaport towns in Italy should be consigned to him for his retreat and security. It was easy to conclude that Henry had determined not to intermeddle in any war against the Turk; but as a great name, without any real assistance, is sometimes of service, the knights of Rhodes, who were at that time esteemed the bulwark of Christendom, chose the king protector of their order.

But the prince whose alliance Henry valued the most was Ferdinand of Arragon, whose vigorous and steady policy, always attended with success, had rendered him in many respects the most considerable monarch in Europe. There was also a remarkable similarity of character between these two princes; both were full of craft, intrigue, and design: and though a resemblance of this nature be a slender foundation for

confidence and amity, where the interests of the parties in the least interfere, such was the situation of Henry and Ferdinand, that no jealousy ever on any occasion arose between them. The king had now the satisfaction of completing a marriage, which had been projected and negotiated during the course of seven years, between Arthur, prince of Wales, and the infanta Catharine, fourth daughter of Ferdinand and Isabella; he near sixteen years of age, she eighteen. But this marriage proved in the issue unprosperous. The young prince, a few months after, sickened and died, much regretted by the nation.

Henry, desirous to continue his alliance with Spain, and also unwilling <sup>1502.</sup> to restore Catharine's dowry, which was two hundred thousand ducats, obliged his second son, Henry, whom he created prince of Wales, to be contracted to the infanta. The prince made all the opposition of which a youth of twelve years of age was capable; but as the king persisted in his resolution, the espousals were at length, by means of the pope's dispensation, contracted between the parties; an event which was afterwards attended with the most important consequences.

The same year another marriage was celebrated, which was also, in the next age, productive of great events; the marriage of Margaret, the king's eldest daughter, with James, king of Scotland. This alliance had been negotiated during three years, though interrupted by several broils; and Henry hoped, from the completion of it, to remove all source of discord with that neighboring kingdom, by whose animosity England had so often been infested. When this marriage was deliberated on in the English council, some objected, that England might, by means of that alliance, fall under the dominion of Scotland. "No," replied Henry, "Scotland, in that event, will only become an accession to England."

Amidst these prosperous incidents, the king met with a domestic <sup>1503.</sup> calamity, which made not such impression on him as it merited: his queen died in childbed; and the infant did not long survive her. This princess was deservedly a favorite of the nation; and the general affection for her increased, on account of the harsh treatment which it was thought she met with from her consort.

The situation of the king's affairs, both at home and abroad, was now in every respect very fortunate. All the efforts of the European princes,

both in war and negotiation, were turned to the side of Italy; and the various events which there arose, made Henry's alliance be courted by every party, yet interested him so little as never to touch him with concern or anxiety. His close connections with Spain and Scotland insured his tranquillity; and his continued successes over domestic enemies, owing to the prudence and vigor of his conduct, had reduced the people to entire submission and obedience. Uncontrolled, therefore, by apprehension or opposition of any kind, he gave full scope to his natural propensity; and avarice, which had ever been his ruling passion being increased by age and encouraged by absolute authority broke all restraints of shame or justice. He had found two ministers Empson and Dudley, perfectly qualified to second his rapacious and tyrannical inclinations, and to prey upon his defenceless people. These instruments of oppression were both lawyers; the first of mean birth, of brutal manners, of an unrelenting temper; the second better born, better educated, and better bred, but equally unjust, severe, and inflexible. By their knowledge in law, these men were qualified to pervert the forms of justice to the oppression of the innocent; and the formidable authority of the king supported them in all their iniquities.

It was their usual practice, at first, to observe so far the appearance of law as to give indictments to those whom they intended to oppress; upon which the persons were committed to prison, but never brought to trial; and were at length obliged, in order to recover their liberty, to pay heavy fines and ransoms, which were called mitigations and compositions. By degrees, the very appearance of law was neglected: the two ministers sent forth their precepts to attach men, and summon them before themselves and some others, at their private houses, in a court of commission, where, in a summary manner, without trial or jury, arbitrary decrees were issued, both in pleas of the crown and controversies between private parties. Juries themselves, when summoned, proved but small security to the subject; being browbeaten by these oppressors; nay, fined, imprisoned, and punished, if they gave sentence against the inclination of the ministers. The whole system of the feudal law, which still prevailed, was turned into a scheme of oppression. Even the king's wards, after they came of age, were not suffered to enter into possession of their lands without paying exorbitant fines. Men were also harassed with informations of intrusion upon scarce colorable titles. When an outlawry in a personal action was



issued against any man, he was not allowed to purchase his charter of pardon, except on the payment of a great sum; and if he refused the composition required of him, the strict law, which in such cases allows forfeiture of goods, was rigorously insisted on. Nay, without any color of law, the half of men's lands and rents were seized during two years, as a penalty in case of outlawry. But the chief means of oppression employed by these ministers were the penal statutes, which, without consideration of rank, quality, or services, were rigidly put in execution against all men: spies, informers, and inquisitors were rewarded and encouraged in every quarter of the kingdom: and no difference was made, whether the statute were beneficial or hurtful, recent or obsolete, possible or impossible to be executed. The sole end of the king and his ministers was to amass money, and bring every one under the lash of their authority.<sup>7</sup>

Through the prevalence of such an arbitrary and iniquitous administration, the English, it may safely be affirmed, were considerable losers by their ancient privileges, which secured them from all taxations, except such as were imposed by their own consent in parliament. Had the king been empowered to levy general taxes at pleasure, he would naturally have abstained from these oppressive expedients, which destroyed all security in private property, and begat a universal diffidence throughout the nation. In vain did the people look for protection from the parliament, which was pretty frequently summoned during this reign.

That assembly was so overawed, that at this very time, during the *1504*. greatest rage of Henry's oppressions, the commons chose Dudley their speaker, the very man who was the chief instrument of his iniquities. And though the king was known to be immensely opulent, and had no pretence of wars or expensive enterprises of any kind, they granted him the subsidy which he demanded. But so insatiable was his avarice, that next year he levied a new benevolence, and renewed that arbitrary and oppressive method of taxation.

By all these arts of accumulation, joined to a rigid frugality in his *1505*. expense, he so filled his coffers, that he is said to have possessed in ready money the sum of one million eight hundred thousand pounds; a treasure almost incredible, if we consider the scarcity of money in those times.<sup>8</sup>

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<sup>7</sup> Bacon, p. 629, 630. Holingshed, p. 504. Polyd. Virg. p. 613, 615.

<sup>8</sup> Silver was during this reign at thirty-seven shillings and six pence a pound, which makes Henry's treasure near three millions of our present money. Besides, many commodities have become above thrice as dear by the increase of gold and silver in Europe. And what is a circumstance of still greater weight, all other states were then very poor, in comparison of what they are at present. These circumstances make Henry's treasure appear very great, and may lead us to conceive the oppressions of his government.

But while Henry was enriching himself by the spoils of his oppressed people, there happened an event abroad which engaged his attention, and was even the object of his anxiety and concern: Isabella, queen of Castile, died about this time and it was foreseen that by this incident the fortunes of Ferdinand, her husband, would be much affected. The king was not only attentive to the fate of his ally, and watchful lest the general system of Europe should be affected by so important an event; he also considered the similarity of his own situation with that of Ferdinand, and regarded the issue of these transactions as a precedent for himself. Joan, the daughter of Ferdinand by Isabella, was married to the archduke Philip, and being, in right of her mother, heir of Castile, seemed entitled to dispute with Ferdinand the present possession of that kingdom. Henry knew that, notwithstanding his own pretensions by the house of Lancaster, the greater part of the nation was convinced of the superiority of his wife's title; and he dreaded lest the prince of Wales, who was daily advancing towards manhood, might be tempted by ambition to lay immediate claim to the crown. By his perpetual attention to depress the partisans of the York family, he had more closely united them into one party, and increased their desire of shaking off that yoke under which they had so long labored, and of taking every advantage which his oppressive government should give his enemies against him. And as he possessed no independent force like Ferdinand, and governed a kingdom more turbulent and unruly, which he himself by his narrow politics had confirmed in factious prejudices, he apprehended that his situation would prove in the issue still more precarious.

Nothing at first could turn out more contrary to the king's wishes than the transactions in Spain. Ferdinand, as well as Henry, had become very unpopular, and from a like cause, his former exactions and impositions; and the states of Castile discovered an evident resolution of preferring the title of Philip and Joan.

In order, to take advantage of these favorable dispositions, the <sup>1506</sup>. archduke, now king of Castile, attended by his consort, embarked for Spain during the winter season; but meeting with a violent tempest in the Channel, was obliged to take shelter in the harbor of Weymouth. Sir John Trenchard, a gentleman of authority in the county of Dorset, hearing of a fleet upon the coast, had assembled some forces; and being joined by Sir John Cary, who was also at the head of an armed body, he came to that town. Finding that Philip, in order to relieve his sickness and fatigue, was already come ashore, he invited him to his house; and immediately despatched a messenger to inform the court of this important incident. The king sent in all haste the earl of Arundel to compliment Philip on his arrival in England, and to inform him that he intended to pay him a visit in person, and to give him a suitable reception in his dominions. Philip knew that he could not now depart without the king's consent; and therefore, for the sake of despatch, he resolved to anticipate his visit, and to have an interview with him at Windsor. Henry received him with all the magnificence possible, and with all the seeming cordiality; but he resolved, notwithstanding, to draw some advantage from this involuntary visit paid him by his royal guest.

Edmond de la Pole, earl of Suffolk, nephew to Edward IV. and brother to the earl of Lincoln, slain in the battle of Stoke, had some years before killed a man in a sudden fit of passion, and had been obliged to apply to the king for a remission of the crime. The king had granted his request; but, being little indulgent to all persons connected with the house of York, he obliged him to appear openly in court and plead his pardon. Suffolk, more resenting the affront than grateful for the favor, had fled into Flanders, and taken shelter with his aunt, the duchess of Burgundy; but being promised forgiveness by the king, he returned to England, and obtained a new pardon. Actuated, however, by the natural inquietude of his temper and uneasy from debts which he had contracted by his great

expense at Prince Arthur's wedding, he again made an elopement into Flanders. The king, well acquainted with the general discontent which prevailed against his administration neglected not this incident, which might become of importance, and he employed his usual artifices to elude the efforts of his enemies. He directed Sir Robert Curson, governor of the castle of Hammes, to desert his charge, and to insinuate himself into the confidence of Suffolk, by making him a tender of his services. Upon information secretly conveyed by Curson, the king seized William Courtney, eldest son to the earl of Devonshire, and married to the lady Catharine, sister of the queen; William de la Pole, brother to the earl of Suffolk; Sir James Tyrrel, and Sir James Windham, with some persons of inferior quality; and he committed them to custody. Lord Abergavenny and Sir Thomas Green were also apprehended; but were soon after released from their confinement. William de la Pole was long detained in prison: Courtney was attainted, and, though not executed, he recovered not his liberty during the king's lifetime. But Henry's chief severity fell upon Sir James Windham and Sir James Tyrrel, who were brought to their trial, condemned, and executed: the fate of the latter gave general satisfaction, on account of his participation in the murder of the young princes, sons of Edward IV. Notwithstanding these discoveries and executions, Curson was still able to maintain his credit with the earl of Suffolk: Henry, in order to remove all suspicion, had ordered him to be excommunicated, together with Suffolk himself, for his pretended rebellion. But after that traitor had performed all the services expected from him, he suddenly deserted the earl, and came over to England, where the king received him with unusual marks of favor and confidence. Suffolk, astonished at this instance of perfidy, finding that even the duchess of Burgundy, tired with so many fruitless attempts, had become indifferent to his cause, fled secretly into France, thence into Germany, and returned at last into the Low Countries; where he was protected, though not countenanced, by Philip, then in close alliance with the king.

Henry neglected not the present opportunity of complaining to his guest of the reception which Suffolk had met with in his dominions. "I really thought," replied the king of Castile, "that your greatness and felicity had set you far above apprehensions from any person of so little consequence: but, to give you satisfaction, I shall banish him my state." "I

expect that you will carry your complaisance further," said the king; "I desire to have Suffolk put into my hands, where alone I can depend upon his submission and obedience." "That measure," said Philip, "will reflect dishonor upon you as well as myself. You will be thought to have treated me as a prisoner." "Then the matter is at an end," replied the king; "for I will take that dishonor upon me; and so your honor is saved."<sup>9</sup> The king of Castile found himself under a necessity of complying; but he first exacted Henry's promise that he would spare Suffolk's life. That nobleman was invited over to England by Philip; as if the king would grant him a pardon, on the intercession of his friend and ally. Upon his appearance, he was committed to the Tower; and the king of Castile, having fully satisfied Henry, as well by this concession as by signing a treaty of commerce between England and Castile, which was advantageous to the former kingdom,<sup>10</sup> was at last allowed to depart, after a stay of three months.

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<sup>9</sup> Bacon, p. 633.

<sup>10</sup> Rymer, vol. xiii. p. 142.

He landed in Spain, was joyfully received by the Castilians, and put in possession of the throne.

He died soon after; and Joan, his widow, falling into deep melancholy <sup>1507</sup>. Ferdinand was again enabled to reinstate himself in authority, and to govern, till the day of his death, the whole Spanish monarchy.

The king survived these transactions two years; but nothing memorable occurs in the remaining part of his reign, except his affiancing his second daughter, Mary, to the young archduke Charles, son of Philip of Castile.

He entertained also some intentions of marriage for himself, first with <sup>1508</sup>. the queen dowager of Naples, relict of Ferdinand; afterwards with the duchess dowager of Savoy, daughter of Maximilian, and sister of Philip. But the decline of his health put an end to all such thoughts; and he began to cast his eye towards that future existence which the iniquities and severities of his reign rendered a very dismal prospect to him. To allay the terrors under which he labored, he endeavored, by distributing alms and

founding religious houses, to make atonement for his crimes, and to purchase, by the sacrifice of part of his ill-gotten treasures, a reconciliation with his offended Maker. Remorse even seized him at intervals for the abuse of his authority by Empson and Dudley; but not sufficient to make him stop the rapacious hand of those oppressors. Sir William Capel was again fined two thousand pounds under some frivolous pretence, and was committed to the Tower for daring to murmur against the iniquity. Harris, an alderman of London, was indicted, and died of vexation before his trial came to an issue. Sir Laurence Ailmer, who had been mayor, and his two sheriffs, were condemned in heavy fines, and sent to prison till they made payment. The king gave countenance to all these oppressions; till death, by its nearer approaches, impressed new terrors upon him; and he then ordered, by a general clause in his will, that restitution should be made to all those whom he had injured.

He died of a consumption at his favorite palace of Richmond, after a <sup>1509</sup>. reign of twenty-three years and eight months, and in the fifty-second year of his age.<sup>11</sup>

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<sup>11</sup> Dagd. Baronage, ii. p. 237.

The reign of Henry VII. was, in the main, fortunate for his people at home, and honorable abroad. He put an end to the civil wars with which the nation had long been harassed, he maintained peace and order in the state, he depressed the former exorbitant power of the nobility, and, together with the friendship of some foreign princes, he acquired the consideration and regard of all. He loved peace without fearing war though agitated with continual suspicions of his servants and ministers, he discovered no timidity, either in the conduct of his affairs, or in the day of battle; and though often severe in his punishments, he was commonly less actuated by revenge than by maxims of policy. The services which he rendered the people were derived from his views of private advantage, rather than the motives of public spirit; and where he deviated from interested regards, it was unknown to himself, and ever from the malignant prejudices of faction, or the mean projects of avarice; not from the sallies of passion, or allurements of pleasure; still less from the benign

motives of friendship and generosity. His capacity was excellent, but somewhat contracted by the narrowness of his heart; he possessed insinuation and address, but never employed these talents, except where some great point of interest was to be gained; and while he neglected to conciliate the affections of his people, he often felt the danger of resting his authority on their fear and reverence alone. He was always extremely attentive to his affairs; but possessed not the faculty of seeing far into futurity; and was more expert at providing a remedy for his mistakes than judicious in avoiding them. Avarice was, on the whole, his ruling passion;<sup>12</sup> and he remains an instance, almost singular, of a man placed hi a high station, and possessed of talents for great affairs, in whom that passion pre-dominated above ambition. Even among private persons, avarice is commonly nothing but a species of ambition, and is chiefly incited by the prospect of that regard, distinction, and consideration, which attend on riches.

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<sup>12</sup> As a proof of Henry's attention to the smallest profits, Bacon tells us, that he had seen a book of accounts kept by Empson, and subscribed in almost every leaf by the king's own hand. Among other articles was the following: "Item. Received of such a one five marks for a pardon, which if it do not pass, the money to be repaid, or the party otherwise satisfied." Opposite to the memorandum, the king had writ with his own hand, "Otherwise satisfied." Bacon, p. 630.

The power of the kings of England had always been somewhat irregular or discretionary; but was scarcely ever so absolute during any former reign, at least after the establishment of the Great Charter, as during that of Henry Besides the advantages derived from the personal character of the man, full of vigor, industry, and severity, deliberate in all projects, steady in every purpose, and attended with caution as well as good fortune in every enterprise; he came to the throne after long and bloody civil wars, which had destroyed all the great nobility, who alone could resist the encroachments of his authority; the people were tired with discord and intestine convulsions, and willing to submit to usurpations, and even to injuries, rather than plunge themselves anew into like miseries: the fruitless efforts made against him served always, as is usual, to confirm his

authority: as he ruled by a faction, and the lesser faction, all those on whom he conferred offices, sensible that they owed every thing to his protection, were willing to support his power, though at the expense of justice and national privileges. These seem the chief causes which at this time bestowed on the crown so considerable an addition of prerogative, and rendered the present reign a kind of epoch in the English constitution.

This prince, though he exalted his prerogative above law is celebrated by his historian for many good laws, which he made be enacted for the government of his subjects. Several considerable regulations, indeed, are found among the statutes of this reign, both with regard to the police of the kingdom, and its commerce: but the former are generally contrived with much better judgment than the latter. The more simple ideas of order and equity are sufficient to guide a legislator in every thing that regards the internal administration of justice: but the principles of commerce are much more complicated, and require long experience and deep reflection to be well understood in any state. The real consequence of a law or practice is there often contrary to first appearances. No wonder that during the reign of Henry VII., these matters were frequently mistaken; and it may safely be affirmed, that even in the age of Lord Bacon, very imperfect and erroneous ideas were formed on that subject.

Early in Henry's reign, the authority of the star chamber, which was before founded on common law and ancient practice, was in some cases confirmed by act of parliament: <sup>13</sup> Lord Bacon extols the utility of this court; but men began even during the age of that historian, to feel that so arbitrary a jurisdiction was incompatible with liberty; and in proportion as the spirit of independence still rose higher in the nation, the aversion to it increased, till it was entirely abolished by act of parliament in the reign of Charles I., a little before the commencement of the civil wars.

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<sup>13</sup> Rot. Parl. 3 Henry VII. n. 17. The preamble is remarkable, and shows the state of the nation at that time. "The king, our sovereign lord, remembereth how, by our unlawful maintainances, giving of liveries, signs, and tokens, retainders by indentures, promises, oaths, writings, and other embraceries of his subjects, untrue demeanings of sheriffs in making panels, and untrue returns by taking money, by juries, etc. the policy of this nation is most subdued." It must indeed be confessed, that such a state of the country required great discretionary power in the sovereign; nor will the same



maxims of government suit such a rude people, that may be proper in a more advanced stage of society. The establishment of the star-chamber, or the enlargement of its power, in the reign of Henry VII., might have been as wise as the abolition of it in that of Charles I.]

Laws were passed in this reign, ordaining the king's suit for murder to be carried on within a year and a day.<sup>14</sup> Formerly it did not usually commence till after; and as the friends of the person murdered often in the interval compounded matters with the criminal, the crime frequently passed unpunished. Suits were given to the poor "in forma pauperis," as it is called; that is, without paying dues for the writs, or any fees to the council:<sup>15</sup> a good law at all times, especially in that age, when the people labored under the oppression of the great; but a law difficult to be carried into execution. A law was made against carrying off any woman by force.<sup>16</sup> The benefit of clergy was abridged;<sup>17</sup> and the criminal, on the first offence, was ordered to be burned in the hand with a letter denoting his crime; after which he was punished capitally for any new offence. Sheriffs were no longer allowed to fine any person, without previously summoning him before their court.<sup>18</sup> It is strange that such a practice should ever have prevailed. Attaint of juries was granted in cases which exceeded forty pounds' value; <sup>19</sup> a law which has an appearance of equity, but which was afterwards found inconvenient. Actions popular were not allowed to be eluded by fraud or covin. If any servant of the king's conspired against the life of the steward, treasurer, or comptroller of the king's household, this design, though not followed by any overt act, was made liable to the punishment of felony.<sup>20</sup> This statute was enacted for the security of Archbishop Morton, who found himself exposed to the enmity of great numbers.

There scarcely passed any session during this reign without some statute against engaging retainers, and giving them badges or liveries; <sup>21</sup> a practice by which they were in a manner enlisted under some great lord and were kept in readiness to assist him in all wars, insurrections, riots, violences, and even in bearing evidence for him in courts of justice.<sup>22</sup>

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<sup>14</sup> 3 Henry VII. cap. 1.

<sup>15</sup> 11 Henry VII. cap. 12.

<sup>16</sup> 3 Henry VII. cap. 2.

<sup>17</sup> 4 Henry VII. cap. 13.

<sup>18</sup> 11 Henry VII. cap. 15.

<sup>19</sup> 11 Henry VII. cap. 24.

<sup>20</sup> 19 Henry VII. cap. 3.

<sup>21</sup> 3 Henry VII. cap 13.

<sup>22</sup> 3 Henry VII. cap 1 and 12.

This disorder, which had prevailed during many reigns, when the law could give little protection to the subject, was then deeply rooted in England; and it required all the vigilance and rigor of Henry to extirpate it. There is a story of his severity against this abuse; and it seems to merit praise, though it is commonly cited as an instance of his avarice and rapacity. The earl of Oxford, his favorite general, in whom he always placed great and deserved confidence, having splendidly entertained him at his castle of Heningham, was desirous of making a parade of his magnificence at the departure of his royal guest, and ordered all his retainers, with their liveries and badges, to be drawn up in two lines, that their appearance might be the more gallant and splendid. "My lord," said the king, "I have heard much of your hospitality, but the truth far exceeds the report. These handsome gentlemen and yeomen, whom I see on both sides of me, are no doubt your menial servants." The earl smiled, and confessed that his fortune was too narrow for such magnificence. "They are most of them," subjoined he, "my retainers, who are come to do me service at this time, when they know I am honored with your majesty's presence." The king started a little, and said, "By my faith, my lord, I thank you for your good cheer, but I must not allow my laws to be broken in my sight. My attorney must speak with you." Oxford is said to have paid no less than fifteen thousand marks, as a composition for his offence.

The increase of the arts, more effectually than all the severities of law, put an end to this pernicious practice. The nobility, instead of vying with each other in the number and boldness of their retainers, acquired by

degrees a more civilized species of emulation, and endeavored to excel in the splendor and elegance of their equipage, houses, and tables. The common people, no longer maintained in vicious idleness by their superiors, were obliged to learn some calling or industry, and became useful both to themselves and to others. And it must be acknowledged, in spite of those who declaim so violently against refinement in the arts, or what they are pleased to call luxury, that, as much as an industrious tradesman is both a better man and a better citizen than one of those idle retainers who formerly depended on the great families, so much is the life of a modern nobleman more laudable than that of an ancient baron.<sup>23</sup>

But the most important law, in its consequences, which was enacted during the reign of Henry, was that by which the nobility and gentry acquired a power of breaking the ancient entails, and of alienating their estates.<sup>24</sup> By means of this law, joined to the beginning luxury and refinements of the age, the great fortunes of the barons were gradually dissipated, and the property of the commons increased in England. It is probable that Henry foresaw and intended this consequence; because the constant scheme of his policy consisted in depressing the great, and exalting churchmen, lawyers, and men of new families, who were more dependent on him.

This king's love of money naturally led him to encourage commerce, which increased his customs; but, if we may judge by most of the laws enacted during his reign, trade and industry were rather hurt than promoted by the care and attention given to them. Severe laws were made against taking interest for money, which was then denominated usury.<sup>25</sup> Even the profits of exchange were prohibited, as savoring of usury,<sup>26</sup> which the superstition of the age zealously proscribed. All evasive contracts, by which profits could be made from the loan of money, were also carefully guarded against.<sup>27</sup> It is needless to observe how unreasonable and iniquitous these laws, how impossible to be executed, and how hurtful to trade, if they could take place. We may observe, however, to the praise of this king, that sometimes, in order to promote commerce, he lent to merchants sums of money without interest, when he knew that their stock was not sufficient for those enterprises which they had in view.<sup>28</sup>

Laws were made against the exportation of money, plate, or bullion: <sup>29</sup>.....  
a precaution which serves to no other purpose than to make more be  
exported.

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<sup>23</sup>..... The duke of Northumberland has lately printed a household book of an old earl of that family, who lived at this time. The author has been favored with the perusal of it; and it contains many curious particulars, which mark the manners and way of living in that rude, not to say barbarous, age; as well as the prices of commodities. I have extracted a few of them from that piece, which gives a true picture of ancient manners, and is one of the most singular monuments that English antiquity affords us; for we may be confident, however rude the strokes, that no baron's family was on a nobler or more splendid footing. The family consists of one hundred and sixty-six persons, masters and servants. Fifty-seven strangers are reckoned upon every day; on the whole, two hundred and twenty-three. Twopence halfpenny are supposed to be the daily expense of each for meat, drink, and firing. This would make a groat of our present money. Supposing provisions between three and four times cheaper, it would be equivalent to fourteenpence: no great sum for a nobleman's housekeeping; especially considering that the chief expense of a family at that time consisted in meat and drink; for the sum allotted by the earl for his whole annual expense is one thousand one hundred and eighteen pounds seventeen shillings and eightpence; meat, drink, and firing cost seven hundred and ninety-six pounds eleven shillings and twopence, more than two thirds of the whole; in a modern family it is not above a third, (p. 157, 158, 159.) The whole expense of the earl's family is managed with an exactness that is very rigid, and, if we make no allowance for ancient manners, such as may seem to border on an extreme; insomuch that the number of pieces which must be cut out of every quarter of beef, mutton, pork, veal, nay, stock-fish and salmon, are determined, and must be entered and accounted for by the different clerks appointed for that purpose. If a servant be absent a day, his mess is struck off. If he go on my lord's business, board-wages are allowed him, eightpence a day for his journey in winter, fivepence in summer. When he stays in any place, twopence a day are allowed him, besides the maintenance of his horse. Somewhat above a quarter of wheat is allowed for every mouth throughout the year; and the wheat is estimated at five shillings and eightpence a quarter. Two hundred and fifty quarters of malt are allowed, at four shillings a quarter. Two hogsheads are to be made of a quarter, which amounts to about a bottle and a third of beer a day to each person, (p.4,) and the beer will not be very strong One hundred and nine fat beeves are to be bought at Allhallow-tide, at thirteen shillings and fourpence apiece; and twenty-four lean beeves to be bought at St. Helens, at eight shillings apiece. These are to be put into the pastures to feed; and are to serve from Mid-summer to Michaelmas; which is consequently the only time that the family eats fresh beef. During all the rest of the year they live on

salted meat. (p.5.) One hundred and sixty gallons of mustard are allowed in a year, which seems indeed requisite for the salt beef, (p.18.) Six hundred and forty-seven sheep are allowed, at twentypence apiece; and these seem also to be all eat salted, except between Lammas and Michaelmas, (p.5.) Only twenty-five hogs are allowed at two shillings apiece; twenty-eight veals, at twentypence; forty lambs, at tenpence or a shilling, (p. 7.) These seem to be reserved for my lord's table, or that of the upper servants, called the knights' table. The other servants, as they eat salted meat almost through the whole year, and with few or no vegetables, had a very bad and unhealthy diet; so that there cannot be any thing more erroneous than the magnificent ideas formed of "the roast beef of old England." We must entertain as mean an idea of its cleanliness. Only seventy ells of linen, at eightpence an ell, are annually allowed for this great family. No sheets were used. This linen was made into eight table-cloths for my lord's table, and one table-cloth for the knights, (p.16.) This last, I suppose, was washed only once a month. Only forty shillings are allowed for washing throughout the whole year; and most of it seems expended on the linen belonging to the chapel. The drinking, however, was tolerable, namely, ten tuns and two hogsheads of Gascony wine, at the rate of four pounds thirteen shillings and fourpence a tun. (p.6.) Only ninety-one dozen of candles for the whole year. (p.14.) The family rose at six in the morning, dined at ten, and supped at four in the afternoon. The gates were all shut at nine, and no further ingress or egress permitted, (p. 314, 318.) My lord and lady have set on their table for breakfast at seven o'clock in the morning a quart of beer, as much wine; two pieces of salt fish, six red herrings, four white ones, or a dish of sprats. In flesh days, half a chine of mutton, or a chine of beef boiled, (p.73, 75.) Mass is ordered to be said at six o'clock, in order, says the household book that all my lord's servants may rise early, (p.170.) Only twenty-four fires are allowed, beside the kitchen and hall, and most of these have only a peck of coals a day allowed them. (p.99.) After Lady-day, no fires permitted in the rooms, except half-fires in my lord's and lady's, and lord Piercy's and the nursery, (p.101.) It is to be observed, that my lord kept house in Yorkshire, where there is certainly much cold weather after Lady-day. Eighty chalders of coals, at four shillings and twopence a chalders, suffices throughout the whole year; and because coal will not burn without wood, says the household book, sixty-four loads of great wood are also allowed, at twelvpence a load.(p.22.) This is a proof that grates were not the used. Here is an article. "It is devised that from henceforth no capons to be bought but only for my lord's own mess, and that the said capons shall be bought for twopence apiece, lean, and fed in the poultry; and master chamberlain and the stewards be fed with capons, if there be strangers sitting with them." (p. 102.) Pigs are to be bought at threepence or a groat a piece; geese at the same price; chickens at a halfpenny; hens at twopence, and only for the abovementioned tables. Here is another article. "Item, it is thought good that no plovers be bought at no season but only in Christmas and principal feasts, and my lord to be served therewith and his

board-end, and none other, and to be bought for a penny apiece, or a penny halfpenny at most." (p. 103.) Woodcocks are to be bought at the same price. Partridges at twopence, (p. 104, 105.) Pheasants a shilling; peacocks, the same. (p. 100.) My lord keeps only twenty-seven horses in his stable at his own charge. His upper servants have allowance for maintaining their own horses, (p. 126.) These horses are six gentle horses, as they are called, at hay and hard meat throughout the whole year, four palfreys, three hobbies and nags three sumpter horses, six horses for those servants to whom my lord furnishes a horse, two sumpter horses more, and three mill horses two for carrying the corn, and one for grinding it; whence we may infer that mills, either water or windmills, were then unknown, at least very rare; besides these, there are seven great trotting horses for the chariot or wagon. He allows a peck of oats a day, besides loaves made of beans, for his principal horses; the oats at twenty pence, the beans at two shillings a quarter. The load of hay is at two shillings and eight pence. When my lord is on a journey, he carries thirty-six horsemen along with him; together with bed and other accommodation. (p. 157.) The inns, it seems, could afford nothing tolerable. My lord passes the year in three country seats, all in Yorkshire; Wrysel, Leckenfield, and Topclyiffe; but he has furniture only for one. He carries every thing along with him, beds, tables, chairs, kitchen utensils, all which, we may conclude, were so coarse, that they could not be spoilt by the carriage; yet seventeen carts and one wagon suffice for the whole. (p. 391.) One cart suffices for all his kitchen utensils, cooks' beds, etc. (p. 388.) One remarkable circumstance is, that he has eleven priests in his house, besides seventeen persons, chanters, musicians, etc. belonging to his chapel; yet he has only two cooks for a family of two hundred and twenty-three persons. (p. 325.)<sup>30</sup>.....

Their meals were certainly dressed on the slovenly manner of a ship's company. It is amusing to observe the pompous and even royal style assumed by this Tartar chief. He does not give any orders, though only for the right making of mustard, but it is introduced with this preamble: "It seemeth good to us and our council." If we consider the magnificent and elegant manner in which the Venetian and other Italian noblemen then lived, with the progress made by the Italians in literature and the fine arts, we shall not wonder that they considered the ultramontane nations as barbarous. The Flemish also seem to have much excelled the English and even the French. Yet the earl is sometimes not deficient in generosity; he pays, for instance, an annual pension of a groat a year to my lady of Walsingham, for her interest in heaven: the same sum to the holy blood at Hales. (p. 337.) No mention is anywhere made of plate; but only of the hiring of pewter vessels. The servants seem all to have bought their own clothes from their wages.]

<sup>23</sup> ..... 4 Henry VII. cap. 24. The practice of breaking entails by means of a fine and recovery was introduced in the reign of Edward IV.: but it was not,

properly speaking, law, till the statute of Henry VII.; which, by correcting some abuses that attended that practice, gave indirectly a sanction to it.

<sup>24</sup> 3 Henry VII. cap. 5.

<sup>25</sup> 3 Henry VII. cap. 6.

<sup>26</sup> 7 Henry VII. cap. 8.

But so far was the anxiety on this head carried, that merchants alien, who imported commodities into the kingdom, were obliged to invest in English commodities all the money acquired by their sales, in order to prevent their conveying it away in a clandestine manner.<sup>31</sup>

It was prohibited to export horses; as if that exportation did not encourage the breed, and render them more plentiful in the kingdom.<sup>32</sup> In order to promote archery, no bows were to be sold at a higher price than six shillings and fourpence,<sup>33</sup> reducing money to the denomination of our time. The only effect of this regulation must be, either that the people would be supplied with bad bows, or none at all. Prices were also affixed to woollen cloth,<sup>34</sup> to caps and hats;<sup>35</sup> and the wages of laborers were regulated by law.<sup>36</sup> It is evident, that these matters ought always to be left free, and be intrusted to the common course of business and commerce. To some it may appear surprising, that the price of a yard of scarlet cloth should be limited to six and twenty shillings, money of our age; that of a yard of colored cloth to eighteen; higher prices than these commodities bear at present; and that the wages of a tradesman, such as a mason, bricklayer, tiler, etc., should be regulated at near tenpence a day; which is not much inferior to the present wages given in some parts of England. Labor and commodities have certainly risen since the discovery of the West Indies; but not so much in every particular as is generally imagined. The greater industry of the present times has increased the number of tradesmen and laborers, so as to keep wages nearer a par than could be expected from the great increase of gold and silver. And the additional art employed in the finer manufactures has even made some of these commodities fall below their former value. Not to mention, that merchants and dealers, being contented with less profit than formerly, afford the goods cheaper to their customers. It appears by a statute of this reign,<sup>37</sup>

that goods bought for sixteenpence would sometimes be sold by the merchants for three shillings.

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<sup>27</sup>..... 3 Henry VII cap. 8.

<sup>28</sup>..... 11 Henry VII. cap. 13.

<sup>29</sup>..... 3 Henry VII. cap. 12.

<sup>30</sup>..... 4 Henry VII. cap. 8.

<sup>31</sup>..... 4 Henry VII. cap. 9.

<sup>32</sup>..... 11 Henry VII. cap. 22.

<sup>33</sup>..... 4 Henry VII. cap. 9.

The commodities whose price has chiefly risen, are butcher's meat, fowl, and fish, (especially the latter,) which cannot be much augmented in quantity by the increase of art and industry. The profession which then abounded most, and was sometimes embraced by persons of the lowest rank, was the church: by a clause of a statute, all clerks or students of the university were forbidden to beg, without a permission from the vice-chancellor.<sup>38</sup>

One great cause of the low state of industry during this period, was the restraints put upon it; and the parliament, or rather the king, (for he was the prime mover in every thing,) enlarged a little some of these limitations; but not to the degree that was requisite. A law had been enacted during the reign of Henry IV.,<sup>39</sup> that no man could bind his son or daughter to an apprenticeship, unless he were possessed of twenty shillings a year in land; and Henry VII., because the decay of manufactures was complained of in Norwich from the want of hands, exempted that city from the penalties of the law.<sup>40</sup> Afterwards the whole county of Norfolk obtained a like exemption with regard to some branches of the woollen manufacture.<sup>41</sup> These absurd limitations proceeded from a desire of promoting husbandry, which, however, is never more effectually encouraged than by the increase of manufactures. For a like reason, the law enacted against enclosures, and for the keeping up of farm houses,<sup>42</sup> scarcely deserves the high praises bestowed on it by Lord Bacon. If husbandmen understand



agriculture, and have a ready vent for their commodities, we need not dread a diminution of the people employed in the country. All methods of supporting populousness, except by the interest of the proprietors, are violent and ineffectual. During a century and a half after this period, there was a frequent renewal of laws and edicts against depopulation; whence we may infer, that none of them were ever executed. The natural course of improvement at last provided a remedy.

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<sup>34</sup> ..... 11 Henry VII. cap. 22.

<sup>35</sup> ..... 11 Henry VII. cap. 11.

<sup>36</sup> ..... 4 Henry VII. cap. 19.

<sup>37</sup> ..... 4 Henry VII. cap. 17.

<sup>38</sup> ..... 12 Henry VII. cap. 1.

One check to industry in England was the erecting of corporations; an abuse which is not yet entirely corrected. A law was enacted, that corporations should not pass any by-laws without the consent of three of the chief officers of state.<sup>43</sup> They were prohibited from imposing tolls at their <sup>44</sup>..... The cities of Gloucester and Worcester had even imposed tolls on the Severn, which were abolished.<sup>45</sup>.....

There is a law of this reign,<sup>46</sup>..... containing a preamble, by which it appears, that the company of merchant adventurers in London had, by their own authority, debarred all the other merchants of the kingdom from trading to the great marts in the Low Countries, unless each trader previously paid them the sum of near seventy pounds. It is surprising that such a by-law (if it deserve the name) could ever be carried into execution, and that the authority of parliament should be requisite to abrogate it.

It was during this reign, on the second of August, 1492, a little before sunset, that Christopher Columbus, a Genoese, set out from Spain on his memorable voyage for the discovery of the western world; and a few years after, Vasquez de Gama, a Portuguese, passed the Cape of Good Hope, and opened a new passage to the East Indies. These great events were attended with important consequences to all the nations of Europe, even to such as

were not immediately concerned in those naval enterprises. The enlargement of commerce and navigation increased industry and the arts every where; the nobles dissipated their fortunes in expensive pleasures: men of an inferior rank both acquired a share in the landed property, and created to themselves a considerable property of a new kind, in stock, commodities, art, credit, and correspondence. In some nations, the privileges of the commons increased by this increase of property: in most nations, the kings, finding arms to be dropped by the barons, who could no longer endure their former rude manner of life, established standing armies, and subdued the liberties of their kingdoms: but in all places, the condition of the people, from the depression of the petty tyrants by whom they had formerly been oppressed rather than governed, received great improvement, and they acquired, if not entire liberty, at least the most considerable advantages of it. And as the general course of events thus tended to depress the nobles and exalt the people, Henry VII., who also embraced that system of policy, has acquired more praise than his institutions, strictly speaking, seem of themselves to deserve on account of any profound wisdom attending them.

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<sup>39</sup>..... 19 Henry VII. cap. 7 gates.

<sup>40</sup>..... 19 Henry VII. cap. 8.

<sup>41</sup>..... 10 Henry VII. cap. 18.

<sup>42</sup>..... 12 Henry VII. cap. 6.

It was by accident only that the king had not a considerable share in those great naval discoveries, by which the present age was so much distinguished. Columbus, after meeting with many repulses from the courts of Portugal and Spain sent his brother Bartholomew to London, in order to explain his projects to Henry, and crave his protection for the execution of them. The king invited him over to England; but his brother, being taken by pirates, was detained in his voyage; and Columbus, meanwhile, having obtained the countenance of Isabella, was supplied with a small fleet, and happily executed his enterprise. Henry was not discouraged by this disappointment: he fitted out Sebastian Cabot, a

Venetian, settled in Bristol, and sent him westwards in 1498, in search of new countries. Cabot discovered the main land of America towards the sixtieth degree of northern latitude: he sailed southwards along the coast, and discovered Newfoundland and other countries; but returned to England without making any conquest or settlement. Elliot and other merchants in Bristol made a like attempt in 1502.<sup>47</sup> The king expended fourteen thousand pounds in building one ship, called the Great Harry.<sup>48</sup> She was, properly speaking, the first ship in the English navy. Before this period, when the prince wanted a fleet, he had no other expedient than hiring or pressing ships from the merchants.

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<sup>43</sup> Rymer, vol. xiii. p. 37.

<sup>44</sup> Stowe, p. 484.

But though this improvement of navigation, and the discovery of both the Indies, was the most memorable incident that happened during this or any other period, it was not the only great event by which the age was distinguished. In 1453, Constantinople was taken by the Turks; and the Greeks, among whom some remains of learning were still preserved, being scattered by these barbarians, took shelter in Italy, and imported, together with their admirable language, a tincture of their science, and of their refined taste in poetry and eloquence. About the same time, the purity of the Latin tongue was revived, the study of antiquity became fashionable, and the esteem for literature gradually propagated itself throughout every nation in Europe. The art of printing, invented about that time, extremely facilitated the progress of all these improvements: the invention of gunpowder changed the whole art of war: mighty innovations were soon after made in religion, such as not only affected those states that embraced them, but even those that adhered to the ancient faith and worship; and thus a general revolution was made in human affairs throughout this part of the world; and men gradually attained that situation, with regard to commerce, arts, science, government, police, and cultivation, in which they have ever since persevered. Here, therefore, commences the useful, as well as the more agreeable part of modern annals; certainty has place in all

the considerable, and even most of the minute parts of historical narration; a great variety of events, preserved by printing, give the author the power of selecting, as well as adorning, the facts which he relates; and as each incident has a reference to our present manners and situation, instructive lessons occur every moment during the course of the narration. Whoever carries his anxious researches into preceding periods, is moved by a curiosity, liberal indeed and commendable; not by any necessity for acquiring knowledge of public affairs, or the arts of civil government.



## CHAPTER 28.

### HENRY VIII.

THE death of Henry VII. had been attended with as open and visible a <sup>1509.</sup> joy among the people as decency would permit; and the accession and coronation of his son, Henry VIII., spread universally a declared and unfeigned satisfaction. Instead of a monarch jealous, severe, and avaricious, who, in proportion as he advanced in years, was sinking still deeper in those unpopular vices, a young prince of eighteen had succeeded to the throne, who, even in the eyes of men of sense, gave promising hopes of his future conduct, much more in those of the people, always enchanted with novelty, youth, and royal dignity. The beauty and vigor of his person, accompanied with dexterity in every manly exercise, was further adorned with a blooming and ruddy countenance, with a lively air, with the appearance of spirit and activity in all his demeanor.<sup>1</sup> His father, in order to remove him from the knowledge of public business, had hitherto occupied him entirely in the pursuits of literature; and the proficiency which he made gave no bad prognostic of his parts and capacity.<sup>2</sup> Even the vices of vehemence, ardor, and impatience, to which he was subject, and which afterwards degenerated into tyranny, were considered only as faults incident to unguarded youth, which would be corrected when time had brought him to greater moderation and maturity. And as the contending titles of York and Lancaster were now at last fully united in his person, men justly expected, from a prince obnoxious to no party, that impartiality of administration which had long been unknown in England.

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<sup>1</sup> T. Mori. Lucubr. p. 182.

<sup>2</sup> Father Paul, lib. i.

These favorable prepossessions of the public were encouraged by the measures which Henry embraced in the commencement of his reign. His grandmother, the countess of Richmond and Derby, was still alive; and as she was a woman much celebrated for prudence and virtue, he wisely

showed great deference to her opinion in the establishment of his new council. The members were, Warham, archbishop of Canterbury and chancellor; the earl of Shrewsbury, steward; Lord Herbert, chamberlain; Sir Thomas Lovel, master of the wards and constable of the Tower; Sir Edward Poynings, comptroller; Sir Henry Marney, afterwards Lord Marney; Sir Thomas Darcy, afterwards Lord Darcy; Thomas Ruthal, doctor of laws; and Sir Henry Wyat.<sup>3</sup> These men had long been accustomed to business under the late king, and were the least unpopular of all the ministers employed by that monarch. But the chief competitors for favor and authority, under the new king, were the earl of Surrey, treasurer, and Fox, bishop of Winchester, secretary and privy seal. This prelate, who enjoyed great credit during all the former reign, had acquired such habits of caution and frugality as he could not easily lay aside; and he still opposed, by his remonstrances, those schemes of dissipation and expense, which the youth and passions of Henry rendered agreeable to him. But Surrey was a more dexterous courtier; and though few had borne a greater share in the frugal politics of the late king, he knew how to conform himself to the humor of his new master; and no one was so forward in promoting that liberality, pleasure, and magnificence, which began to prevail under the young monarch.<sup>4</sup> By this policy, he ingratiated himself with Henry; he made advantage, as well as the other courtiers, of the lavish disposition of his master; and he engaged him in such a course of play and idleness as rendered him negligent of affairs, and willing to intrust the government of the state entirely into the hands of his ministers. The great treasures amassed by the late king were gradually dissipated in the giddy expenses of Henry. One party of pleasure succeeded to another: tilts, tournaments, and carousals were exhibited with all the magnificence of the age; and as the present tranquillity of the public permitted the court to indulge itself in every amusement, serious business was but little attended to. Or, if the king intermitted the course of his festivity, he chiefly employed himself in an application to music and literature, which were his favorite pursuits, and which were well adapted to his genius.

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<sup>3</sup> Herbert, Stowe, p. 486. Holingshed, p. 799.

<sup>4</sup> Lord Herbert.

He had made such proficiency in the former art, as even to compose some pieces of church music, which were sung in his chapel.<sup>5</sup> He was initiated in the elegant learning of the ancients. And though he was so unfortunate as to be seduced into a study of the barren controversies of the schools, which were then fashionable, and had chosen Thomas Aquinas for his favorite author, he still discovered a capacity fitted for more useful and entertaining knowledge.

The frank and careless humor of the king, as it led him to dissipate the treasures amassed by his father, rendered him negligent in protecting the instruments whom that prince had employed in his extortions. A proclamation being issued to encourage complaints, the rage of the people was let loose on all informers, who had so long exercised an unbounded tyranny over the nation: <sup>6</sup> they were thrown into prison, condemned to the pillory, and most of them lost their lives by the violence of the populace. Empson and Dudley, who were most exposed to public hatred, were immediately summoned before the council, in order to answer for their conduct, which had rendered them so obnoxious.

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<sup>5</sup> Lord Herbert.

<sup>6</sup> Herbert, Stowe, p. 486. Holingshed, p. 799. Polyd. Virg. lib, xxvii.

Empson made a shrewd apology for himself, as well as for his associate. He told the council, that so far from his being justly exposed to censure for his past conduct, his enemies themselves grounded their clamor on actions which seemed rather to merit reward and approbation: that a strict execution of law was the crime of which he and Dudley were accused; though that law had been established by general consent, and though they had acted in obedience to the king, to whom the administration of justice was intrusted by the constitution: that it belonged not to them, who were instruments in the hands of supreme power, to determine what laws were recent or obsolete, expedient or hurtful; since they were all alike valid, so long as they remained unrepealed by the legislature: that it was natural for a licentious populace to murmur against the restraints of authority; but all

wise states had ever made their glory consist in the just distribution of rewards and punishments, and had annexed the former to the observance and enforcement of the laws, the latter to their violation and infraction; and that a sudden overthrow of all government might be expected where the judges were committed to the mercy of the criminals, the rulers to that of the subjects.<sup>7</sup>

Notwithstanding this defence, Empson and Dudley were sent to the Tower, and soon after brought to their trial. The strict execution of laws, however obsolete, could never be imputed to them as a crime in a court of judicature; and it is likely that, even where they had exercised arbitrary power, the king, as they had acted by the secret commands of his father, was not willing that their conduct should undergo too severe a scrutiny. In order, therefore, to gratify the people with the punishment of these obnoxious ministers crimes very improbable, or indeed absolutely impossible, were charged upon them: that they had entered into a conspiracy against the sovereign, and had intended, on the death of the late king, to have seized by force the administration of government. The jury were so far moved by popular prejudices, joined to court influence, as to give a verdict against them; which was afterwards confirmed by a bill of attainder in parliament,<sup>8</sup> and, at the earnest desire of the people, was executed by warrant from the king. Thus, in those arbitrary times, justice was equally violated, whether the king sought power and riches, or courted popularity.

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<sup>7</sup> Herbert, Holingshed, p. 804.

<sup>8</sup> This parliament met on the 21st January, 1510. A law was there enacted, in order to prevent some abuses which had prevailed during the late reign. The forfeiture upon the penal statutes was reduced to the term of three years. Costs and damages were given against informers upon acquittal of the accused: more severe punishments were enacted against perjury: the false inquisitions procured by Empson and Dudley were declared null and invalid. Traverses were allowed; and the time of tendering them enlarged. 1 Henry

<sup>9</sup> III. c. 8, 10, 11, 12.



Henry, while he punished the instruments of past tyranny, had yet such a deference to former engagements as to deliberate, immediately after his accession, concerning the celebration of his marriage with the infanta Catharine, to whom he had been affianced during his father's lifetime. Her former marriage with his brother, and the inequality of their years were the chief objections urged; against his espousing her but, on the other hand, the advantages of her known virtue, modesty, and sweetness of disposition were insisted on; the affection which she bore to the king; the large dowry to which she was entitled as princess of Wales; the interest of cementing a close alliance with Spain; the necessity of finding some confederate to counterbalance the power of France; the expediency of fulfilling the engagements of the late king When these considerations were weighed, they determined the council, though contrary to the opinion of the primate, to give Henry their advice for celebrating the marriage. The countess of Richmond, who had concurred in the same sentiments with the council, died soon after the marriage of her grandson.

The popularity of Henry's government, his undisputed title, his extensive authority, his large treasures, the tranquillity of his subjects, were circumstances which rendered his domestic administration easy and prosperous: the situation of foreign affairs was no less happy and desirable. Italy continued still, as during the late reign, to be the centre of all the wars and negotiations of the European princes; and Henry's alliance was courted by all parties; at the same time that he was not engaged by any immediate interest or necessity to take part with any. Lewis XII. of France, after his conquest of Milan, was the only great prince that possessed any territory in Italy; and could he have remained in tranquillity, he was enabled by his situation to prescribe laws to all the Italian princes and republics, and to hold the balance among them. But the desire of making a conquest of Naples, to which he had the same title or pretensions with his predecessor, still engaged him in new enterprises: and as he foresaw opposition from Ferdinand, who was connected both by treaties and affinity with Frederick of Naples, he endeavored by the offers of interest, to which the ears of that monarch were ever open, to engage him in an opposite confederacy. He settled with him a plan for the partition of the kingdom of Naples, and the expulsion of Frederick; a plan which the politicians of that age regarded as the most egregious

imprudence in the French monarch, and the greatest perfidy in the Spanish. Frederick, supported only by subjects who were either discontented with his government or indifferent about his fortunes, was unable to resist so powerful a confederacy, and was deprived of his dominions: but he had the satisfaction to see Naples immediately prove the source of contention among his enemies. Ferdinand gave secret orders to his general, Gonsalvo, whom the Spaniards honor with the appellation of the "great captain," to attack the armies of France, and make himself master of all the dominions of Naples. Gonsalvo prevailed in every enterprise, defeated the French in two pitched battles, and insured to his prince the entire possession of that kingdom. Lewis, unable to procure redress by force of arms, was obliged to enter into a fruitless negotiation with Ferdinand for the recovery of his share of the partition; and all Italy, during some time, was held in suspense between these two powerful monarchs.

There has scarcely been any period when the balance of power was better secured in Europe, and seemed more able to maintain itself without any anxious concern or attention of the princes. Several great monarchies were established; and no one so far surpassed the rest as to give any foundation or even pretence for jealousy. England was united in domestic peace, and by its situation happily secured from the invasion of foreigners. The coalition of the several kingdoms of Spain had formed one powerful monarchy, which Ferdinand administered with arts, fraudulent indeed and deceitful, but full of vigor and ability. Lewis XII., a gallant and generous prince, had, by espousing Anne of Brittany, widow to his predecessor, preserved the union with that principality, on which the safety of his kingdom so much depended. Maximilian, the emperor, besides the hereditary dominions of the Austrian family, maintained authority in the empire, and, notwithstanding the levity of his character, was able to unite the German princes in any great plan of interest, at least of defence. Charles, prince of Castile, grandson to Maximilian and Ferdinand, had already succeeded to the rich dominions of the house of Burgundy; and being as yet in early youth, the government was intrusted to Margaret of Savoy, his aunt, a princess endowed with signal prudence and virtue. The internal force of these several powerful states, by balancing each other, might long have maintained general tranquillity, had not the

active and enterprising genius of Julius II., an ambitious pontiff, first excited the flames of war and discord among them. By his intrigues, a league had been formed at Cambray,<sup>9</sup> between himself, Maximilian, Lewis, and Ferdinand; and the object of this great confederacy was to overwhelm, by their united arms, the commonwealth of Venice.

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<sup>10</sup> In 1508.

Henry, without any motive from interest or passion, allowed his name to be inserted in the confederacy. This oppressive and iniquitous league was but too successful against the republic.

The great force and secure situation of the considerable monarchies prevented any one from aspiring to any conquest of moment; and though this consideration could not maintain general peace, or remedy the natural inquietude of men, it rendered the princes of this age more disposed to desert engagements, and change their alliances, in which they were retained by humor and caprice, rather than by any natural or durable interest.

Julius had no sooner humbled the Venetian republic, than he was <sup>1510</sup> inspired with a nobler ambition, that of expelling all foreigners from Italy, or, to speak in the style affected by the Italians of that age, the freeing of that country entirely from the dominion of barbarians.<sup>10</sup> He was determined to make the tempest fall first upon Lewis; and in order to pave the way for this great enterprise, he at once sought for a ground of quarrel with that monarch, and courted the alliance of other princes. He declared war against the duke of Ferrara, the confederate of Lewis. He solicited the favor of England, by sending Henry a sacred rose, perfumed with musk and anointed with chrism.<sup>11</sup> He engaged in his interests Bambridge, archbishop of York, and Henry's ambassador at Rome, whom he soon after created a cardinal. He drew over Ferdinand to his party, though that monarch at first made no declaration of his intentions. And what he chiefly valued, he formed a treaty with the Swiss cantons, who, enraged by some neglects put upon them by Lewis, accompanied with contumelious

expressions, had quitted the alliance of France, and waited for an opportunity of revenging themselves on that nation.

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<sup>11</sup> Guicciard. lib. viii.

<sup>12</sup> Spel. Concil. vol. ii. p. 725.

While the French monarch repelled the attacks of his enemies, he <sup>1511</sup>. thought it also requisite to make an attempt on the pope himself, and to despoil him as much as possible of that sacred character which chiefly rendered him formidable. He engaged some cardinals, disgusted with the violence of Julius, to desert him; and by their authority he was determined, in conjunction with Maximilian, who still adhered to his alliance, to call a general council, which might reform the church, and check the exorbitances of the Roman pontiff. A council was summoned at Pisa, which from the beginning bore a very inauspicious aspect, and promised little success to had adherents. Except a few French bishops, who unwillingly obeyed the king's commands in attending the council, all the other prelates kept aloof from an assembly which they regarded as the offspring of faction, intrigue, and worldly politics. Even Pisa, the place of their residence, showed them signs of contempt; which engaged them to transfer their session to Milan, a city under the dominion of the French monarch; Notwithstanding this advantage, they did not experience much more respectful treatment from the inhabitants of Milan; and found it necessary to make another remove to Lyons.<sup>12</sup> Lewis himself fortified these violent prejudices in favor of papal authority, by the symptoms which he discovered of regard, deference, and submission to Julius, whom he always spared, even when fortune had thrown into his hands the most inviting opportunities of humbling him. And as it was known that his consort, who had great influence over him, was extremely disquieted in mind on account of his dissensions with the holy father, all men prognosticated to Julius final success in this unequal contest.

The enterprising pontiff knew his advantages, and availed himself of them with the utmost temerity and insolence. So much had he neglected his sacerdotal character, that he acted in person at the siege of Mirandola,

visited the trenches, saw some of his attendants killed by his side, and, like a young soldier, cheerfully bore all the rigors of winter and a severe season, in pursuit of military glory:<sup>13</sup> yet was he still able to throw, even on his most moderate opponents, the charge of impiety and profaneness. He summoned, a council at the Lateran: he put Pisa under an interdict, and all the places which gave shelter to the schismatical council: he excommunicated the cardinals and prelates who attended it: he even pointed his spiritual thunder against the princes who adhered to it: he freed their subjects from all oaths of allegiance, and gave their dominions to every one who could take possession of them.

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<sup>13</sup> Guicciard. lib. x.

<sup>14</sup> Guicciard. lib. ix.

Ferdinand of Arragon, who had acquired the surname of Catholic, regarded the cause of the pope and of religion only as a cover to his ambition and selfish politics: Henry, naturally sincere and sanguine in his temper, and the more so on account of his youth and inexperience, was moved with a hearty desire of protecting the pope from the oppression to which he believed him exposed from the ambitious enterprises of Lewis.

Hopes had been given him by Julius, that the title of “most Christian <sup>1512</sup> king,” which had hitherto been annexed to the crown of France, and which was regarded as its most precious ornament, should, in reward of his services, be transferred to that of England.<sup>14</sup> Impatient also of acquiring that distinction in Europe, to which his power and opulence entitled him, he could not long remain neuter amidst the noise of arms; and the natural enmity of the English against France, as well as their ancient claims upon that kingdom, led Henry to join that alliance which the pope, Spain, and Venice had formed against the French monarch. A herald was sent to Paris, to exhort Lewis not to wage impious war against the sovereign pontiff; and when he returned without success, another was sent to demand the ancient patrimonial provinces, Anjou, Maine, Guienne, and Normandy. This message was understood to be a declaration of war; and a

parliament, being summoned, readily granted supplies for a purpose so much favored by the English nation.<sup>15</sup>

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<sup>15</sup> Guicciard. lib. xi. P. Daniel, vol ii. p. 1893. Herbert. Holingshed, p. 831.

<sup>16</sup> Herbert. Holingshed, p. 811.

Buonaviso, an agent of the pope's at London, had been corrupted by the court of France, and had previously revealed to Lewis all the measures which Henry was concerting against him. But this infidelity did the king inconsiderable prejudice, in comparison of the treachery which he experienced from the selfish purposes of the ally on whom he chiefly relied for assistance. Ferdinand, his father-in-law, had so long persevered in a course of crooked politics, that he began even to value himself on his dexterity in fraud and artifice; and he made a boast of those shameful successes. Being told one day, that Lewis, a prince of a very different character, had complained of his having once cheated him: "He lies, the drunkard!" said he; "I have cheated him above twenty times." This prince considered his close connections with Henry only as the means which enabled him the better to take advantage of his want of experience. He advised him not to invade France by the way of Calais, where he himself should not have it in his power to assist him: he exhorted him rather to send forces to Fontarabia, whence he could easily make a conquest of Guienne, a province in which it was imagined the English had still some adherents. He promised to assist this conquest by the junction of a Spanish army. And so forward did he seem to promote the interests of his son-in-law, that he even sent vessels to England, in order to transport over the forces which Henry had levied for that purpose. The marquis of Dorset commanded this armament, which consisted of ten thousand men, mostly infantry; Lord Howard, son of the earl of Surrey, Lord Broke, Lord Ferrars, and many others of the young gentry and nobility, accompanied him in this service. All were on fire to distinguish themselves by military achievements, and to make a conquest of importance for their master. The secret purpose of Ferdinand, in this unexampled generosity, was suspected by nobody.

The small kingdom of Navarre lies on the frontiers between France and Spain; and as John d'Albert, the sovereign, was connected by friendship and alliance with Lewis, the opportunity seemed favorable to Ferdinand, while the English forces were conjoined with his own, and while all adherents to the council of Pisa lay under the sentence of excommunication, to put himself in possession of these dominions. No sooner, therefore, was Dorset landed in Guipiscoa, than the Spanish monarch declared his readiness to join him with his forces, to make with united arms an invasion of France, and to form the siege of Bayonne, which opened the way into Guienne:<sup>16</sup> but he remarked to the English general how dangerous it might prove to leave behind them the kingdom of Navarre, which, being in close alliance with France, could easily give admittance to the enemy, and cut off all communication between Spain and the combined armies. To provide against so dangerous an event, he required that John should stipulate a neutrality in the present war; and when that prince expressed his willingness to enter into any engagement for that purpose, he also required that security should be given for the strict observance of it.

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<sup>17</sup> Herbert, Holingshed, p. 813.

John having likewise agreed to this condition, Ferdinand demanded that he should deliver into his hands six of the most considerable places of his dominions, together with his eldest son as a hostage. These were not terms to be proposed to a sovereign; and as the Spanish monarch expected a refusal, he gave immediate orders to the duke of Alva, his general, to make an invasion on Navarre, and to reduce that kingdom.

Alva soon made himself master of all the smaller towns; and being ready to form the siege of Pampeluna, the capital, he summoned the marquis of Dorset to join him with the English army, and concert together all their operations.

Dorset began to suspect that the interests of his master were very little regarded in all these transactions; and having no orders to invade the kingdom of Navarre, or make war any where but in France, he refused to

take any part in the enterprise. He remained therefore in his quarters at Fontarabia; but so subtle was the contrivance of Ferdinand, that even while the English army lay in that situation, it was almost equally serviceable to his purpose, as if it had acted in conjunction with his own. It kept the French army in awe, and prevented it from advancing to succor the kingdom of Navarre; so that Alva, having full leisure to conduct the siege, made himself master of Pampeluna, and obliged John to seek for shelter in France. The Spanish general applied again to Dorset, and proposed to conduct with united counsels the operations of the "holy league," (so it was called,) against Lewis: but as he still declined forming the siege of Bayonne, and rather insisted on the invasion of the principality of Bearne, a part of the king of Navarre's dominions which lies on the French side of the Pyrenees, Dorset, justly suspicious of his sinister intentions, represented that, without new orders from his master, he could not concur in such an undertaking. In order to procure these orders, Ferdinand despatched Martin de Ampios to London; and persuaded Henry that, by the refractory and scrupulous humor of the English general, the most favorable opportunities were lost; and that it was necessary he should on all occasions act in concert with the Spanish commander, who was best acquainted with the situation of the country, and the reasons of every operation. But before orders to this purpose reached Spain, Dorset had become extremely impatient; and observing that his further stay served not to promote the main undertaking, and that his army was daily perishing by want and sickness, he demanded shipping from Ferdinand to transport them back into England. Ferdinand, who was bound by treaty to furnish him with this supply whenever demanded, was at length, after many delays, obliged to yield to his importunity; and Dorset, embarking his troops, prepared himself for the voyage. Meanwhile the messenger arrived with orders from Henry, that the troops should remain in Spain; but the soldiers were so discontented with the treatment which they had met with, that they mutinied, and obliged their commanders to set sail for England. Henry was much displeased with the ill success of this enterprise; and it was with difficulty that Dorset, by explaining the fraudulent conduct of Ferdinand, was at last able to appease him.

There happened this summer an action at sea, which brought not any more decisive advantage to the English. Sir Thomas Knevet, master of



horse, was sent to the coast of Brittany with a fleet of forty-five sail; and he carried with him Sir Charles Brandon, Sir John Carew, and many other young courtiers, who longed for an opportunity of displaying their valor. After they had committed some depredations, a French fleet of thirty-nine sail issued from Brest, under the command of Primauguet, and began an engagement with the English. Fire seized the ship of Primauguet; who, finding his destruction inevitable, bore down upon the vessel of the English admiral, and grappling with her, resolved to make her share his fate. Both fleets stood some time in suspense, as spectators of this dreadful engagement; and all men saw with horror the flames which consumed both vessels, and heard the cries of fury and despair which came from the miserable combatants. At last the French vessel blew up; and at the same time destroyed the English.<sup>17</sup> The rest of the French fleet made their escape into different harbors.

The war which England waged against France, though it brought no advantage to the former kingdom, was of great prejudice to the latter; and by obliging Lewis to withdraw his forces for the defence of his own dominions, lost him that superiority which his arms in the beginning of the campaign had attained in Italy. Gaston de Foix, his nephew, a young hero, had been intrusted with the command of the French forces; and in a few months performed such feats of military art and prowess, as were sufficient to render illustrious the life of the oldest captain.<sup>18</sup> His career finished with the great battle of Ravenna, which, after the most obstinate conflict, he gained over the Spanish and papal armies. He perished the very moment his victory was complete; and with him perished the fortune of the French arms in Italy.

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<sup>18</sup> Polyd. Virg. lib. xxvii. Stowe, p. 490. Lanquet's Epitome of Chronicles, fol. 273.

<sup>19</sup> Guicciard. lib. x.

The Swiss, who had rendered themselves extremely formidable by their bands of disciplined infantry, invaded the Milanese with a numerous army, and raised up that inconstant people to a revolt against the

dominion of France. Genoa followed the example of the duchy; and thus Lewis in a few weeks entirely lost his Italian conquests, except some garrisons; and Maximilian Sforza, the son of Ludovic, was reinstated in possession of Milan.

Julius discovered extreme joy on the discomfiture of the French; and <sup>1513</sup>. the more so as he had been beholden for it to the Swiss, a people whose councils he hoped he should always be able to influence and govern. The pontiff survived this success a very little time; and in his place was chosen John de Medicis, who took the appellation of Leo X., and proved one of the most illustrious princes that ever sat on the papal throne. Humane, beneficent, generous, affable; the patron of every art, and friend of every virtue;<sup>19</sup> he had a soul no less capable of forming great designs than his predecessor, but was more gentle, pliant, and artful in employing means for the execution of them. The sole defect, indeed, of his character was too great finesse and artifice; a fault which, both as a priest and an Italian, it was difficult for him to avoid. By the negotiations of Leo, the emperor Maximilian was detached from the French interest; and Henry, notwithstanding his disappointments in the former campaign, was still encouraged to prosecute his warlike measures against Lewis.

Henry had summoned a new session of parliament,<sup>20</sup> and obtained a supply for his enterprise. It was a poll-tax, and imposed different sums, according to the station and riches of the person. A duke paid ten marks, an earl five pounds, a baron four pounds, a knight four marks; every man valued at eight hundred pounds in goods, four marks. An imposition was also granted of two fifteenths and four tenths.<sup>21</sup> By these supplies, joined to the treasure which had been left by his father, and which was not yet entirely dissipated, he was enabled to levy a great army, and render himself formidable to his enemy. The English are said to have been much encouraged, in this enterprise, by the arrival of a vessel in the Thames under the papal banner. It carried presents of wine and hams to the king and the more eminent courtiers; and such fond devotion was at that time entertained towards the court of Rome, that these trivial presents were every where received with the greatest triumph and exultation.

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<sup>20</sup> ..... Father Paul, lib. i.

<sup>21</sup>..... November 4, 1512.

<sup>22</sup>..... Stowe.

In order to prevent all disturbances from Scotland while Henry's arms should be employed on the continent, Dr. West, dean of Windsor, was despatched on an embassy to James, the king's brother-in-law; and instructions were given him to accommodate all differences between the kingdoms, as well as to discover the intentions of the court of Scotland.<sup>22</sup> Some complaints had already been made on both sides. One Barton, a Scotchman, having suffered injuries from the Portuguese, for which he could obtain no redress, had procured letters of marque against that nation; but he had no sooner put to sea than he was guilty of the grossest abuses, committed depredations upon the English, and much infested the narrow seas.<sup>23</sup> Lord Howard and Sir Edward Howard, admirals, and sons of the earl of Surrey, sailing out against him, fought him in a desperate action, where the pirate was killed; and they brought his ships into the Thames. As Henry refused all satisfaction for this act of justice, some of the borderers, who wanted but a pretence for depredations, entered England under the command of Lord Hume, warden of the marches, and committed great ravages on that kingdom. Notwithstanding these mutual grounds of dissatisfaction, matters might easily have been accommodated, had it not been for Henry's intended invasion of France, which roused the jealousy of the Scottish nation.<sup>24</sup>

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<sup>23</sup>..... Polyd. Virg. lib. xxvii.

<sup>24</sup>..... Stowe, p. 489. Holingshed, p. 811.

<sup>25</sup>..... Buchanan, lib. xii. Drummond in the Life of James IV.

The ancient league which subsisted between France and Scotland was conceived to be the strongest band of connection; and the Scots universally believed, that were it not for the countenance which they received from this foreign alliance, they had never been able so long to maintain their independence against a people so much superior. James was further

incited to take part in the quarrel by the invitations of Anne, queen of France, whose knight he had ever in all tournaments professed himself, and who summoned him, according to the ideas of romantic gallantry prevalent in that age, to take the field in her defence, and prove himself her true and valorous champion. The remonstrances of his consort and of his wisest counsellors were in vain opposed to the martial ardor of this prince. He first sent a squadron of ships to the assistance of France; the only fleet which Scotland seems ever to have possessed. And though he still made professions of maintaining a neutrality, the English ambassador easily foresaw that a war would in the end prove inevitable; and he gave warning of the danger to his master, who sent the earl of Surrey to put the borders in a posture of defence, and to resist the expected invasion of the enemy.

Henry, all on fire for military fame, was little discouraged by this appearance of a diversion from the north; and so much the less, as he flattered himself with the assistance of all the considerable potentates of Europe in his invasion of France. The pope still continued to thunder out his excommunications against Lewis and all the adherents of the schismatical council: the Swiss cantons made professions of violent animosity against France: the ambassadors of Ferdinand and Maximilian had signed with those of Henry a treaty of alliance against that power, and had stipulated the time and place of their intended invasion: and though Ferdinand disavowed his ambassador, and even signed a truce for a twelvemonth with the common enemy, Henry was not yet fully convinced of his selfish and sinister intentions, and still hoped for his concurrence after the expiration of that term. He had now got a minister who complied with all his inclinations, and flattered him in every scheme to which his sanguine and impetuous temper was inclined.

Thomas Wolsey, dean of Lincoln, and almoner to the king, surpassed in favor all his ministers, and was fast advancing towards that unrivalled grandeur which he afterwards attained. This man was son of a butcher at Ipswich; but having got a learned education, and being endowed with an excellent capacity, he was admitted into the marquis of Dorset's family as tutor to that nobleman's children, and soon gained the friendship and countenance of his patron.<sup>25</sup> He was recommended to be chaplain to

Henry VII.; and being employed by that monarch in a secret negotiation, which regarded his intended marriage with Margaret of Savoy, Maximilian's daughter, he acquitted himself to the king's satisfaction, and obtained the praise both of diligence and dexterity in his conduct.<sup>26</sup>

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<sup>26</sup> Stowe, p. 997.

<sup>27</sup> Cavendish. Fiddes's Life of Wolsey. Stowe.

That prince, having given him a commission to Maximilian, who at that time resided in Brussels, was surprised, in less than three days after, to see Wolsey present himself before him, and supposing that he had protracted his departure, he began to reprove him for the dilatory execution of his orders. Wolsey informed him that he had just returned from Brussels, and had successfully fulfilled all his majesty's commands. "But on second thoughts," said the king, "I found that somewhat was omitted in your orders; and have sent a messenger after you with fuller instructions." "I met the messenger," replied Wolsey, "on my return: but as I had reflected on that omission, I ventured of myself to execute what I knew must be your majesty's intentions." The death of Henry soon after this incident retarded the advancement of Wolsey, and prevented his reaping any advantage from the good opinion which that monarch had entertained of him: but thence forwards he was looked on at court as a rising man; and Fox, bishop of Winchester, cast his eye upon him as one who might be serviceable to him in his present situation.<sup>27</sup> This prelate, observing that the earl of Surrey had totally eclipsed him in favor, resolved to introduce Wolsey to the young prince's familiarity; and hoped that he might rival Surrey in his insinuating arts, and yet be contented to act in the cabinet a part subordinate to Fox himself, who had promoted him.

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<sup>28</sup> Antiq. Brit. Eccles. p. 309. Polyd. Virg. lib. xxvii.

In a little time, Wolsey gained so much on the king, that he supplanted both Surrey in his favor, and Fox in his trust and confidence. Being

admitted to Henry's parties of pleasure, he took the lead in every jovial conversation, and promoted all that frolic and entertainment which he found suitable to the age and inclination of the young monarch. Neither his own years, which were near forty, nor his character of a clergyman, were any restraint upon him, or engaged him to check, by any useless severity, the gayety in which Henry, who had small propension to debauchery, passed his careless hours. During the intervals of amusement, he introduced business, and insinuated those maxims of conduct which he was desirous his master should adopt. He observed to him that while he intrusted his affairs into the hands of his father's counsellors, he had the advantage indeed of employing men of wisdom and experience, but men who owed not their promotion to his favor, and who scarcely thought themselves accountable to him for the exercise of their authority: that by the factions, and cabals, and jealousies which had long prevailed among them, they more obstructed the advancement of his affairs, than they promoted it by the knowledge which age and practice had conferred upon them: that while he thought proper to pass his time in those pleasures to which his age and royal fortune invited him, and in those studies which would in time enable him to sway the sceptre with absolute authority, his best system of government would be, to intrust his authority into the hands of some one person who was the creature of his will, and who could entertain no view but that of promoting his service: and that if this minister had also the same relish for pleasure with himself, and the same taste for science, he could more easily, at intervals, account to him for his whole conduct, and introduce his master gradually into the knowledge of public business; and thus, without tedious constraint or application, initiate him in the science of government.<sup>28</sup>

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<sup>29</sup> Cavendish, p. 12. Stowe, p. 499.

Henry entered into all the views of Wolsey; and finding no one so capable of executing this plan of administration as the person who proposed it, he soon advanced his favorite, from being the companion of his pleasures, to be a member of his council; and from being a member of his council, to be his sole and absolute minister. By this rapid advancement and

uncontrolled authority, the character and genius of Wolsey had full opportunity to display itself. Insatiable in his acquisitions, but still more magnificent in his expense: of extensive capacity, but still more unbounded enterprise: ambitious of power, but still more desirous of glory: insinuating engaging, persuasive; and, by turns, lofty, elevated, commanding: haughty to his equals, but affable to his dependants: oppressive to the people, but liberal to his friends; more generous than grateful; less moved by injuries than by contempt; he was framed to take the ascendant in every intercourse with others, but exerted this superiority of nature with such ostentation as exposed him to envy, and made every one willing to recall the original inferiority, or rather meanness, of his fortune.

The branch of administration in which Henry most exerted himself, while he gave his entire confidence to Wolsey, was the military; which, as it suited the natural gallantry and bravery of his temper, as well as the ardor of his youth, was the principal object of his attention. Finding that Lewis had made great preparations both by sea and land to resist him, he was no less careful to levy a formidable army and equip a considerable fleet for the invasion of France. The command of the fleet was intrusted to Sir Edward Howard; who, after scouring the Channel for some time, presented himself before Brest, where the French navy then lay; and he challenged them to a combat. The French admiral, who expected from the Mediterranean a reënforcement of some galleys under the command of Prejeant de Bidoux, kept within the harbor, and saw with patience the English burn and destroy the country in the neighborhood. At last Prejeant arrived with six galleys, and put into Conquet, a place within a few leagues of Brest; where he secured himself behind some batteries, which he had planted on rocks that lay on each side of him. Howard was, notwithstanding, determined to make an attack upon him; and as he had but two galleys, he took himself the command of one, and gave the other to Lord Ferrars. He was followed by some row-barges and some crayers under the command of Sir Thomas Cheyney, Sir William Sidney, and other officers of distinction. He immediately fastened on Prejeant's ship, and leaped on board of her, attended by one Carroz, a Spanish cavalier, and seventeen Englishmen. The cable, meanwhile, which fastened his ship to that of the enemy, being cut, the admiral was thus left in the hands of the

French; and as he still continued the combat with great gallantry, he was pushed overboard by their pikes.<sup>29</sup> Lord Ferrars, seeing the admiral's galley fall off, followed with the other small vessels; and the whole fleet was so discouraged by the loss of their commander, that they retired from before Brest.<sup>30</sup> The French navy came out of harbor, and even ventured to invade the coast of Sussex. They were repulsed, and Prejeant, their commander, lost an eye by the shot of an arrow. Lord Howard, brother to the deceased admiral, succeeded to the command of the English fleet; and little memorable passed at sea during this summer.

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<sup>30</sup> It was a maxim of Howard's, that no admiral was good for any thing that was not brave even to a degree of madness. As the sea service requires much less plan and contrivance, and capacity, than the land, this maxim has great plausibility and appearance of truth; though the fate of Howard himself may serve as a proof, that even there courage ought to be tempered with discretion.

<sup>31</sup> Stowe, p. 491. Herbert.

<sup>32</sup> Holingshed, p. 816.

Great preparations had been making at land, during the whole winter, for an invasion on France by the way of Calais; but the summer was well advanced before every thing was in sufficient readiness for the intended enterprise. The long peace which the kingdom had enjoyed had somewhat unfitted the English for military expeditions; and the great change which had lately been introduced in the art of war, had rendered it still more difficult to inure them to the use of the weapons now employed in action. The Swiss, and after them the Spaniards, had shown the advantage of a stable infantry, who fought with pike and sword, and were able to repulse even the heavy-armed cavalry, in which the great force of the armies formerly consisted. The practice of firearms was become common; though the caliver, which was the weapon now in use, was so inconvenient, and attended with so many disadvantages, that it had not entirely discredited the bow, a weapon in which the English excelled all European nations. A considerable part of the forces which Henry levied for the invasion of France consisted of archers; and as soon as affairs were in readiness, the



vanguard of the army, amounting to eight thousand men, under the command of the earl of Shrewsbury, sailed over to Calais. Shrewsbury was accompanied by the earl of Derby, the lords Fitzwater, Hastings, Cobham, and Sir Rice ap Thomas, captain of the light horse. Another body of six thousand men soon after followed under the command of Lord Herbert the chamberlain, attended by the earls of Northumberland and Kent, the lords Audley and Delawar, together with Carew, Curson, and other gentlemen.

The king himself prepared to follow with the main body and rear of the army; and he appointed the queen regent of the kingdom during his absence. That he might secure her administration from all disturbance, he ordered Edmond de la Pole, earl of Suffolk, to be beheaded in the Tower, the nobleman who had been attainted and imprisoned during the late reign. Henry was led to commit this act of violence by the dying commands, as is imagined, of his father, who told him that he never would be free from danger while a man of so turbulent a disposition as Suffolk was alive. And as Richard de la Pole, brother of Suffolk, had accepted of a command in the French service, and foolishly attempted to revive the York faction, and to instigate them against the present government, he probably by that means drew more suddenly the King's vengeance on this unhappy nobleman.

At last, Henry, attended by the duke of Buckingham and many others of the nobility, arrived at Calais, and entered upon his French expedition, from which he fondly expected so much success and glory.<sup>31</sup> Of all those allies on whose assistance he relied, the Swiss alone fully performed their engagements. Being put in motion by a sum of money sent them by Henry, and incited by their victories obtained in Italy and by their animosity against France, they were preparing to enter that kingdom with an army of twenty-five thousand men; and no equal force could be opposed to their incursion. Maximilian had received an advance of one hundred and twenty thousand crowns from Henry, and had promised to reënforce the Swiss with eight thousand men, but failed in his engagements. That he might make atonement to the king, he himself appeared in the Low Countries, and joined the English army with some German and Flemish soldiers, who were useful in giving an example of discipline to Henry's new-levied forces.

Observing the disposition of the English monarch to be more bent on glory than on interest, he enlisted himself in his service, wore the cross of St. George, and received pay, a hundred crowns a day, as one of his subjects and captains. But while he exhibited this extraordinary spectacle, of an emperor of Germany serving under a king of England, he was treated with the highest respect by Henry, and really directed all the operations of the English army.

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<sup>33</sup> Polyd. Virg. lib. xxvii. Bellarius, lib. xiv.

Before the arrival of Henry and Maximilian in the camp, the earl of Shrewsbury and Lord Herbert had formed the siege of Terouane, a town situated on the frontiers of Picardy; and they began to attack the place with vigor. Teligni and Crequi commanded in the town, and had a garrison not exceeding two thousand men; yet made they such stout resistance as protracted the siege a month; and they at last found themselves more in danger from want of provisions and ammunition than from the assaults of the besiegers. Having conveyed intelligence of their situation to Lewis, who had advanced to Amiens with his army, that prince gave orders to throw relief into the place. Fontrailles appeared at the head of eight hundred horsemen, each of whom carried a sack of gunpowder behind him, and two quarters of bacon. With this small force he made a sudden and unexpected irruption into the English camp, and, surmounting all resistance, advanced to the fosse of the town, where each horseman threw down his burden. They immediately returned at the gallop, and were so fortunate as again to break through the English and to suffer little or no loss in this dangerous attempt.<sup>32</sup>

But the English had, soon after, full revenge for the insult. Henry had received intelligence of the approach of the French horse, who had advanced to protect another incursion of Fontrailles; and he ordered some troops to pass the Lis, in order to oppose them. The cavalry of France, though they consisted chiefly of gentlemen, who had behaved with great gallantry in many desperate actions in Italy, were, on sight of the enemy, seized with so unaccountable a panic, that they immediately took to flight, and were pursued by the English. The duke of Longueville, who

commanded the French, Bussi d'Amboise, Clermont, Imbercourt, the chevalier Bayard, and many other officers of distinction were made prisoners.<sup>33</sup> This action, or rather rout, is sometimes called the battle of Guinegate, from the place where it was fought; but more commonly the "battle of spurs," because the French that day made more use of their spurs than of their swords or military weapons.

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<sup>34</sup> Hist. de Chev. Bayard, chap. 57. Mémoires de Bellai.

<sup>35</sup> Mémoires de Bellai, liv. i. Polyd. Virg. liv. xxvii. Holingshed, p. 822. Herbert.

After so considerable an advantage, the king, who was at the head of a complete army of above fifty thousand men, might have made incursions to the gates of Paris, and spread confusion and desolation every where. It gave Lewis great joy when he heard that the English, instead of pushing their victory, and attacking the dismayed troops of France, returned to the siege of so inconsiderable a place as Terouane. The governors were obliged soon after to capitulate; and Henry found his acquisition of so little moment, though gained at the expense of some blood, and what, in his present circumstances, was more important, of much valuable time, that he immediately demolished the fortifications. The anxieties of the French were again revived with regard to the motions of the English. The Swiss at the same time had entered Burgundy with a formidable army, and laid siege to Dijon, which was in no condition to resist them. Ferdinand himself, though he had made a truce with Lewis, seemed disposed to lay hold of every advantage which fortune should present to him. Scarcely ever was the French monarchy in greater danger, or less in a condition to defend itself against those powerful armies which on every side assailed or threatened it. Even many of the inhabitants of Paris, who believed themselves exposed to the rapacity and violence of the enemy, began to dislodge, without knowing what place could afford them greater security.

But Lewis was extricated from his present difficulties by the manifold blunders of his enemies. The Swiss allowed themselves to be seduced into a negotiation by Tremoille, governor of Burgundy; and without making

inquiry whether that nobleman had any powers to treat, they accepted of the conditions which he offered them. Tremoille, who knew that he should be disavowed by his master, stipulated whatever they were pleased to demand; and thought himself happy, at the expense of some payments and very large promises, to get rid of so formidable an enemy.<sup>34</sup>.....

The measures of Henry showed equal ignorance in the art of war with that of the Swiss in negotiation. Tournay was a great and rich city, which, though it lay within the frontiers of Flanders, belonged to France, and afforded the troops of that kingdom a passage into the heart of the Netherlands. Maximilian, who was desirous of freeing his grandson from so troublesome a neighbor, advised Henry to lay siege to the place; and the English monarch, not considering that such an acquisition nowise advanced his conquests in France, was so imprudent as to follow this interested counsel. The city of Tournay, by its ancient charters, being exempted from the burden of a garrison, the burghers, against the remonstrance of their sovereign, strenuously insisted on maintaining this dangerous privilege; and they engaged, by themselves, to make a vigorous defence against the enemy.<sup>35</sup> Their courage failed them when matters came to trial; and after a few days' siege, the place was surrendered to the English. The bishop of Tournay was lately dead; and as a new bishop was already elected by the chapter, but not installed in his office, the king bestowed the administration of the see on his favorite Wolsey, and put him in immediate possession of the revenues, which were considerable.<sup>36</sup>.....

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<sup>36</sup>..... Mémoires du Mareschal de Fleuranges. Bellarius, lib. xiv.

<sup>37</sup>..... Mémoires de Fleuranges.

<sup>38</sup>..... Strype's Memorials, vol. i. p. 5, 6.

Hearing of the retreat of the Swiss, and observing the season to be far advanced, he thought proper to return to England; and he carried the greater part of his army with him. Success had attended him in every enterprise; and his youthful mind was much elated with this seeming prosperity, but all men of judgment, comparing the advantages of his situation with his progress, his expense with his acquisitions, were

convinced that this campaign, so much vaunted, was, in reality, both ruinous and inglorious to him.<sup>37</sup>

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<sup>39</sup> Guicciardini.

The success which, during this summer, had attended Henry's arms in the north, was much more decisive. The king of Scotland had assembled the whole force of his kingdom; and having passed the Tweed with a brave, though a tumultuary army of above fifty thousand men, he ravaged those parts of Northumberland which lay nearest that river, and he employed himself in taking the Castles of Norham, Etal, Werke, Ford, and other places of small importance. Lady Ford, being taken prisoner in her castle, was presented to James, and so gained on the affections of that prince, that he wasted in pleasure the critical time which, during the absence of his enemy, he should have employed in pushing his conquests. His troops, lying in a barren country, where they soon consumed all the provisions, began to be pinched with hunger; and as the authority of the prince was feeble, and military discipline during that age extremely relaxed, many of them had stolen from the camp, and retired homewards. Meanwhile, the earl of Surrey, having collected a force of twenty-six thousand men, of which five thousand had been sent over from the king's army in France, marched to the defence of the country, and approached the Scots, who lay on some high ground near the hills of Cheviot. The River Till ran between the armies, and prevented an engagement: Surrey therefore sent a herald to the Scottish camp, challenging the enemy to descend into the plain of Milfield, which lay towards the south; and there, appointing a day for the combat, to try their valor on equal ground. As he received no satisfactory answer, he made a feint of marching towards Berwick; as if he intended to enter Scotland, to lay waste the borders, and cut off the provisions of the enemy. The Scottish army, in order to prevent his purpose, put themselves in motion; and having set fire to the huts in which they had quartered, they descended from the hills. Surrey, taking advantage of the smoke, which was blown towards him, and which concealed his movements, passed the Till with his artillery and vanguard at the bridge of Twisel, and sent the rest of his army to seek a ford higher up the river.

An engagement was now become inevitable, and both sides prepared for it with tranquillity and order.<sup>38</sup> The English divided their army into two lines: Lord Howard led the main body of the first line, Sir Edmond Howard the right wing, Sir Marmaduke Constable the left. The earl of Surrey himself commanded the main body of the second line, Lord Dacres the right wing, Sir Edward Stanley the left. The front of the Scots presented three divisions to the enemy: the middle was led by the king himself; the right by the earl of Huntley, assisted by Lord Hume; the left by the earls of Lenox and Argyle. A fourth division under the earl of Bothwell made a body of reserve. Huntley began the battle, and, after a sharp conflict, put to flight the left wing of the English, and chased them off the field: but on returning from the pursuit, he found the whole Scottish army in great disorder. The division under Lenox and Argyle, elated with the success of the other wing, had broken their ranks, and, notwithstanding the remonstrances and entreaties of La Motte, the French ambassador, had rushed headlong upon the enemy. Not only Sir Edmond Howard, at the head of his division, received them with great valor, but Dacres, who commanded in the second line, wheeling about during the action, fell upon their rear, and put them to the sword without resistance. The division under James and that under Bothwell, animated by the valor of their leaders, still made head against the English, and throwing themselves into a circle, protracted the action, till night separated the combatants. The victory seemed yet undecided, and the numbers that fell on each side were nearly equal, amounting to above five thousand men: but the morning discovered where the advantage lay. The English had lost only persons of small note; but the flower of the Scottish nobility had fallen in battle, and their king himself, after the most diligent inquiry, could nowhere be found. In searching the field, the English met with a dead body which resembled him, and was arrayed in a similar habit; and they put it in a leaden coffin, and sent it to London. During some time it was kept unburied; because James died under sentence of excommunication, on account of his confederacy with France, and his opposition to the holy see:<sup>39</sup> but upon Henry's application, who pretended that this prince had, in the instant before his death, discovered signs of repentance, absolution was given him, and his body was interred.

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<sup>40</sup>..... Buchanan, lib. xiii. Drummond. Herbert. Polyd. Virg. lib. xxvii. Stowe, p. 493. Paulus Jovius.

<sup>41</sup>..... Buchanan, lib. xiii. Herbert.

The Scots, however, still asserted that it was not James's body which was found on the field of battle, but that of one Elphinston, who had been arrayed in arms resembling their king's, in order to divide the attention of the English, and share the danger with his master. It was believed that James had been seen crossing the Tweed at Kelso; and some imagined that he had been killed by the vassals of Lord Hume, whom that nobleman had instigated to commit so enormous a crime. But the populace entertained the opinion that he was still alive, and having secretly gone in pilgrimage to the Holy Land, would soon return and take possession of the throne. This fond conceit was long entertained among the Scots.

The king of Scotland and most of his chief nobles being slain in the field of Flouden, (so this battle was called,) an inviting opportunity was offered to Henry of gaining advantages over that kingdom, perhaps of reducing it to subjection. But he discovered on this occasion a mind truly great and generous. When the queen of Scotland, Margaret, who was created regent during the infancy of her son, applied for peace, he readily granted it; and took compassion of the helpless condition of his sister and nephew. The earl of Surrey, who had gained him so great a victory, was restored to the title of duke of Norfolk, which had been forfeited by his father for engaging on the side of Richard III.

Lord Howard was honored with the title of earl of Surrey. Sir Charles <sup>1514</sup> Brandon, the king's favorite, whom he had before created Viscount Lisle, was now raised to the dignity of duke of Suffolk. Wolsey, who was both his favorite and his minister, was created bishop of Lincoln. Lord Herbert obtained the title of earl of Worcester; Sir Edward Stanley, that of Lord Monteagle.

Though peace with Scotland gave Henry security on that side, and enabled him to prosecute in tranquillity his enterprise against France, some other incidents had happened, which more than counterbalanced this fortunate event, and served to open his eyes with regard to the

rashness of an undertaking, into which his youth and high fortune had betrayed him.

Lewis, fully sensible of the dangerous situation to which his kingdom had been reduced during the former campaign, was resolved, by every expedient, to prevent the return of like perils, and to break the confederacy of his enemies. The pope was nowise disposed to push the French to extremity; and provided they did not return to take possession of Milan, his interests rather led him to preserve the balance among the contending parties. He accepted, therefore, of Lewis's offer to renounce the council of Lyons; and he took off the excommunication which his predecessor and himself had fulminated against that king and his kingdom. Ferdinand was now fast declining in years, and as he entertained no further ambition than that of keeping possession of Navarre, which he had subdued by his arms and policy, he readily hearkened to the proposals of Lewis for prolonging the truce another year; and he even showed an inclination of forming a more intimate connection with that monarch. Lewis had dropped hints of his intention to marry his second daughter, Renée, either to Charles, prince of Spain, or his brother Ferdinand, both of them grandsons of the Spanish monarch; and he declared his resolution of bestowing on her, as her portion, his claim to the duchy of Milan. Ferdinand not only embraced these proposals with joy, but also engaged the emperor Maximilian in the same views, and procured his accession to a treaty which opened so inviting a prospect of aggrandizing their common grandchildren.

When Henry was informed of Ferdinand's renewal of the truce with Lewis, he fell into a violent rage, and loudly complained, that his father-in-law had first, by high promises and professions, engaged him in enmity with France, and afterwards, without giving him the least warning, had now again sacrificed his interests to his own selfish purposes, and had left him exposed alone to all the danger and expense of the war. In proportion to his easy credulity, and his unsuspecting reliance on Ferdinand, was the vehemence with which he exclaimed against the treatment which he met with; and he threatened revenge for this egregious treachery and breach of faith.<sup>40</sup> But he lost all patience when informed of the other negotiation, by which Maximilian was also seduced from his alliance, and in which proposals had been agreed to for the marriage of the prince of Spain with



the daughter of France. Charles, during the lifetime of the late king, had been affianced to Mary, Henry's younger sister; and as the prince now approached the age of puberty, the king had expected the immediate completion of the marriage, and the honorable settlement of a sister for whom he had entertained a tender affection. Such a complication, therefore, of injuries gave him the highest displeasure, and inspired him with a desire of expressing his disdain towards those who had imposed on his youth and inexperience, and had abused his too great facility.

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<sup>42</sup>..... Petrus de Angleria, Epist. 545, 646.

The duke of Longueville, who had been made prisoner at the battle of Gumeate, and who was still detained in England, was ready to take advantage of all these dispositions of Henry, in order to procure a peace, and even an alliance, which he knew to be passionately desired by his master. He represented to the king, that Anne, queen of France, being lately dead, a door was thereby opened for an affinity, which might tend to the advantage of both kingdoms, and which would serve to terminate honorably all the differences between them: that she had left Lewis no male children; and as he had ever entertained a strong desire of having heirs to the crown, no marriage seemed more suitable to him than that with the princess of England, whose youth and beauty afforded the most flattering hopes in that particular: that though the marriage of a princess of sixteen with a king of fifty-three might seem unsuitable, yet the other advantages attending the alliance were more than a sufficient compensation for this inequality; and that Henry, in loosening his connections with Spain, from which he had never reaped any advantage, would contract a close affinity with Lewis, a prince who, through his whole life, had invariably maintained the character of probity and honor.

As Henry seemed to hearken to this discourse with willing ears, Longueville informed his master of the probability which he discovered of bringing the matter to a happy conclusion; and he received full powers for negotiating the treaty. The articles were easily adjusted between the monarchs. Louis agreed that Tournay should remain in the hands of the English; that Richard de la Pole should be banished to Metz, there to live

on a pension assigned him by Lewis; that Henry should receive payment of a million of crowns, being the arrears due by treaty to his father and himself; and that the princess Mary should bring four hundred thousand crowns as her portion, and enjoy as large a jointure as any queen of France, even the former, who was heiress of Brittany. The two princes also agreed on the succors with which they should mutually supply each other, in case either of them was attacked by an enemy.<sup>41</sup>

In consequence of this treaty, Mary was sent over to France with a splendid retinue; and Lewis met her at Abbeville, where the espousals were celebrated. He was enchanted with the beauty, grace, and numerous accomplishments of the young princess; and being naturally of an amorous disposition, which his advanced age had not entirely cooled, he was seduced into such a course of gayety and pleasure, as proved very unsuitable to his declining state of health.<sup>42</sup>

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<sup>43</sup> Du Tillet.

<sup>44</sup> Brantome, Eloge de Louis XII.

He died in less than three months after the marriage, to the <sup>1515</sup> extreme regret of the French nation, who, sensible of his tender concern for their welfare, gave him with one voice the honorable appellation of “father of his people.”

Francis, duke of Angoulême, a youth of one and twenty, who had married Lewis’s eldest daughter, succeeded him on the throne; and, by his activity, valor, generosity, and other virtues, gave prognostics of a happy and glorious reign. This young monarch had been extremely struck with the charms of the English princess; and even during his predecessor’s lifetime, had paid her such assiduous court, as made some of his friends apprehend that he had entertained views of gallantry towards her. But being warned that, by indulging this passion, he might probably exclude himself from the throne he forbore all further addresses; and even watched the young dowager with a very careful eye during the first months of her widowhood. Charles Brandon, duke of Suffolk, was at that time in the court of France, the most comely personage of his time, and the most

accomplished in all the exercises which were then thought to befit a courtier and a soldier. He was Henry's chief favorite; and that monarch had even once entertained thoughts of marrying him to his sister, and had given indulgence to the mutual passion which took place between them. The queen asked Suffolk, whether he had now the courage, without further reflection, to espouse her; and she told him that her brother would more easily forgive him for not asking his consent, than for acting contrary to his orders. Suffolk declined not so inviting an offer; and their nuptials were secretly celebrated at Paris. Francis, who was pleased with this marriage, as it prevented Henry from forming any powerful alliance by means of his sister,<sup>43</sup> interposed his good offices in appeasing him: and even Wolsey, having entertained no jealousy of Suffolk, who was content to participate in the king's pleasures, and had no ambition to engage in public business, was active in reconciling the king to his sister and brother-in-law; and he obtained them permission to return to England.

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<sup>45</sup> Petrus de Angleria, Epist. 544.



## CHAPTER 29.

### HENRY VIII.

The numerous enemies whom Wolsey's sudden elevation, his aspiring <sup>1515</sup> character, and his haughty deportment had raised him, served only to rivet him faster in Henry's confidence; who valued himself on supporting the choice which he had made, and who was incapable of yielding either to the murmurs of the people or to the discontents of the great. That artful prelate, likewise, well acquainted with the king's imperious temper, concealed from him the absolute ascendant which he had acquired; and while he secretly directed all public councils, he ever pretended a blind submission to the will and authority of his master. By entering into the king's pleasures, he preserved his affection; by conducting his business, he gratified his indolence; and by his unlimited complaisance in both capacities, he prevented all that jealousy to which his exorbitant acquisitions and his splendid ostentatious train of life should naturally have given birth. The archbishopric of York falling vacant by the death of Bambridge, Wolsey was promoted to that see, and resigned the bishopric of Lincoln. Besides enjoying the administration of Tournay, he got possession, on easy leases, of the revenues of Bath, Worcester, and Hereford, bishoprics filled by Italians, who were allowed to reside abroad, and who were glad to compound for this indulgence, by yielding a considerable share of their income. He held "in commendam" the abbey of St. Albans, and many other church preferments. He was even allowed to unite with the see of York, first that of Durham, next that of Winchester; and there seemed to be no end of his acquisitions. His further advancement in ecclesiastical dignity served him as a pretence for engrossing still more revenues: the pope, observing his great influence over the king, was desirous of engaging him in his interests, and created him a cardinal. No churchman, under color of exacting respect to religion, ever carried to a greater height the state and dignity of that character. His train consisted of eight hundred servants, of whom many were knights and gentlemen; some even of the nobility put their children into his family as a

place of education; and in order to gain them favor with their patron, allowed them to bear offices as his servants. Whoever was distinguished by any art or science paid court to the cardinal; and none paid court in vain. Literature, which was then in its infancy, found in him a generous patron; and both by his public institutions and private bounty, he gave encouragement to every branch of erudition.<sup>1</sup> Not content with this munificence, which gained him the approbation of the wise, he strove to dazzle the eyes of the populace by the splendor of his equipage and furniture, the costly embroidery of his liveries, the lustre of his apparel. He was the first clergyman in England that wore silk and gold, not only on his habit, but also on his saddles and the trappings of his horses.<sup>2</sup> He caused his cardinal's hat to be borne aloft by a person of rank; and when he came to the king's chapel, would permit it to be laid on no place but the altar. A priest, the tallest and most comely he could find, carried before him a pillar of silver, on whose top was placed a cross: but not satisfied with this parade, to which he thought himself entitled as cardinal, he provided another priest of equal stature and beauty, who marched along, bearing the cross of York, even in the diocese of Canterbury; contrary to the ancient rule and the agreement between the prelates of these rival sees.<sup>3</sup> The people made merry with the cardinal's ostentation; and said, they were now sensible that one crucifix alone was not sufficient for the expiation of his sins and offences.

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<sup>1</sup> Erasm. Epist. lib. ii. epist. i.; lib. xvi. epist. 3.

<sup>2</sup> Polyd. Virg. lib. xxvii. Stowe, p, 501. Hollingshed, p. 847.

<sup>3</sup> Polyd. Virg. lib. xxvii.

Warham, chancellor and archbishop of Canterbury, a man of a moderate temper, averse to all disputes, chose rather to retire from public employment, than maintain an unequal contest with the haughty cardinal. He resigned his office of chancellor; and the great seal was immediately delivered to Wolsey. If this new accumulation of dignity increased his enemies, it also served to exalt his personal character, and prove the extent of his capacity. A strict administration of justice took place during his

enjoyment of this high office and no chancellor ever discovered greater impartiality in his decisions, deeper penetration of judgment, or more enlarged knowledge of law and equity.<sup>4</sup>

The duke of Norfolk, finding the king's money almost entirely exhausted by projects and pleasures, while his inclination for expense still continued, was glad to resign his office of treasurer and retire from court. His rival, Fox, bishop of Winchester reaped no advantage from his absence; but partly overcome by years and infirmities, partly disgusted at the ascendancy acquired by Wolsey, withdrew himself wholly to the care of his diocese. The duke of Suffolk had also taken offence, that the king, by the cardinal's persuasion, had refused to pay a debt which he had contracted during his residence in France; and he thenceforth affected to live in privacy. These incidents left Wolsey to enjoy without a rival the whole power and favor of the king; and they put into his hands every kind of authority. In vain did Fox, before his retirement, warn the king "not to suffer the servant to be greater than his master." Henry replied, "that he well knew how to retain all his subjects in obedience;" but he continued still an unlimited deference in every thing to the directions and counsels of the cardinal.

The public tranquillity was so well established in England, the obedience of the people so entire, the general administration of justice, by the cardinal's means,<sup>5</sup> so exact, that no domestic occurrence happened considerable enough to disturb the repose of the king and his minister: they might even have dispensed with giving any strict attention to foreign affairs, were it possible for men to enjoy any situation in absolute tranquillity, or abstain from projects and enterprises however fruitless and unnecessary.

The will of the late king of Scotland, who left his widow regent of the kingdom, and the vote of the convention of states, which confirmed that destination, had expressly limited her authority to the condition of her remaining unmarried;<sup>6</sup> but, notwithstanding this limitation, a few months after her husband's death, she espoused the earl of Angus, of the name of Douglas, a young nobleman of great family and promising hopes. Some of the nobility now proposed the electing of Angus to the regency, and recommended this choice as the most likely means of preserving peace

with England; but the jealousy of the great families, and the fear of exalting the Douglasses, begat opposition to this measure.

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<sup>4</sup> ... Sir Thomas More. Stowe, p. 504.

<sup>5</sup> ... Erasm. lib. ii. epist. i. Cavendish. Hall.

<sup>6</sup> ... Buchanar, lib. xiv. Drummond. Herbert.

Lord Hume in particular, the most powerful chieftain in the kingdom, insisted on recalling the duke of Albany, son to a brother of James III. who had been banished into France, and who, having there married, had left posterity that were the next heirs to the crown, and the nearest relations to their young sovereign. Albany, though first prince of the blood, had never been in Scotland, was totally unacquainted with the manners of the people, ignorant of their situation, unpractised in their language; yet such was the favor attending the French alliance, and so great the authority of Hume, that this prince was invited to accept the reins of government. Francis, careful not to give offence to the king of England, detained Albany some time in France; but at length, sensible how important it was to keep Scotland in his interests, he permitted him to go over and take possession of the regency: he even renewed the ancient league with that kingdom, though it implied such a close connection as might be thought somewhat to intrench on his alliance with England.

When the regent arrived in Scotland, he made inquiries concerning the state of the country, and character of the people; and he discovered a scene with which he was hitherto but little acquainted. That turbulent kingdom, he found, was rather to be considered as a Confederacy, and that not a close one, of petty princes, than a regular system of civil polity; and even the king, much more a regent, possessed an authority very uncertain and precarious. Arms, more than laws, prevailed; and courage, preferably to equity or justice, was the virtue most valued and respected. The nobility, in whom the whole power resided, were so connected by hereditary alliances, or so divided by inveterate enmities, that it was impossible, without employing an armed force, either to punish the most flagrant guilt, or give security to the most entire innocence. Rapine and violence,

when exercised on a hostile tribe, instead of making a person odious among his own clan, rather recommended him to their esteem and approbation; and by rendering him useful to the chieftain, entitled him to a preference above his fellows. And though the necessity of mutual support served as a close cement of amity among those of the same kindred, the spirit of revenge against enemies, and the desire of prosecuting the deadly feuds, (so they were called,) still appeared to be passions the most predominant among that uncultivated people.

The persons to whom Albany, on his arrival, first Applied for information with regard to the state of the country, happened to be inveterate enemies of Hume;<sup>7</sup> and they represented that powerful nobleman as the chief source of public disorders, and the great obstacle to the execution of the law; and the administration of justice. Before the authority of the magistrate could be established, it was necessary, they said, to make an example of this great offender; and, by the terror of his punishment, teach all lesser criminals to pay respect to the power of their sovereign. Albany, moved by these reasons, was induced to forget Hume's past services, to which he had in a great measure been indebted for the regency; and he no longer bore towards him that favorable countenance with which he was wont to receive him. Hume perceived the alteration, and was incited, both by regard to his own safety and from motives of revenge, to take measures in opposition to the regent. He applied himself to Angus and the queen dowager, and represented to them the danger to which the infant prince was exposed from the ambition of Albany, next heir to the crown, to whom the states had imprudently intrusted the whole authority of government. By his persuasion Margaret formed the design of carrying off the young king, and putting him under the protection of her brother; and when that conspiracy was detected, she herself, attended by Hume and Angus, withdrew into England, where she was soon after delivered of a daughter.

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<sup>7</sup> Buchanan, lib. xiv. Drummond.

Henry, in order to check the authority of Albany and the French party, gave encouragement to these malecontents, and assured them of his



support. Matters being afterwards in appearance accommodated between Hume and the regent, that nobleman returned into his own country; but mutual suspicions and jealousies still prevailed. He was committed to custody, under the care of the earl of Arran, his brother-in-law; and was for some time detained prisoner in his castle. But having persuaded Arran to enter into the conspiracy with him, he was allowed to make his escape; and he openly levied war upon the regent. A new accommodation ensued, not more sincere than the foregoing; and Hume was so imprudent as to intrust himself, together with his brother, into the hands of that prince. They were immediately seized, committed to custody, brought to trial, condemned and executed. No legal crime was proved against these brothers: it was only alleged, that at the battle of Flouder they had not done their duty in supporting the king; and as this backwardness could not, from the course of their past life, be ascribed to cowardice, it was commonly imputed to a more criminal motive. The evidence, however, of guilt produced against them was far from being valid or convincing; and the people, who hated them while living, were much dissatisfied with their execution.

Such violent remedies often produce for some time a deceitful tranquillity; but as they destroy mutual confidence, and beget the most inveterate animosities, their consequences are commonly fatal, both to the public and to those who have recourse to them. The regent, however, took advantage of the present calm which prevailed; and being invited over by the French king, who was at that time willing to gratify Henry he went into France, and was engaged to remain there for some years. During the absence of the regent, such confusions prevailed in Scotland, and such mutual enmity, rapine, and violence among the great families, that that kingdom was for a long time utterly disabled both from offending its enemies and assisting its friends. We have carried on the Scottish history some years beyond the present period; that, as that country had little connection with the general system of Europe, we might be the less interrupted in the narration of those more memorable events which were transacted in the other kingdoms.

It was foreseen, that a young, active prince, like Francis, and of so martial a disposition, would soon employ the great preparations which his

predecessor before his death had made for the conquest of Milan. He had been observed even to weep at the recital of the military exploits of Gaston de Foix; and these tears of emulation were held to be sure presages of his future valor. He renewed the treaty which Lewis had made with Henry; and having left every thing secure behind him, he marched his armies towards the south of France; pretending that his sole purpose was to defend his kingdom against the incursions of the Swiss. This formidable people still retained their animosity against France; and having taken Maximilian, duke of Milan, under their protection, and in reality reduced him to absolute dependence,—they were determined, from views both of honor and of interest, to defend him against the invader.<sup>8</sup> They fortified themselves in all those valleys of the Alps through which they thought the French must necessarily pass; and when Francis, with great secrecy, industry, and perseverance, made his entrance into Piedmont by another passage, they were not dismayed, but descended into the plain, though unprovided with cavalry, and opposed themselves to the progress of the French arms. At Marignan, near Milan, they fought with Francis one of the most furious and best contested battles that is to be met with in the history of these later ages; and it required all the heroic valor of this prince to inspire his troops with courage sufficient to resist the desperate assault of those mountaineers. After a bloody action in the evening, night and darkness parted the combatants; but next morning the Swiss renewed the attack with unabated ardor; and it was not till they had lost all their bravest troops that they could be prevailed on to retire. The field was strewn with twenty thousand slain on both sides; and the mareschal Trivulzio, who had been present at eighteen pitched battles, declared that every engagement which he had yet seen was only the play of children; the action of Marignan was a combat of heroes.<sup>9</sup> After this great victory, the conquest of the Milanese was easy and open to Francis.

The success and glory of the French monarch began to excite jealousy in Henry; and his rapid progress, though in so distant a country, was not regarded without apprehensions by the English ministry. Italy was, during that age, the seat of religion, of literature, and of commerce; and as it possessed alone that lustre which has since been shared out among other nations, it attracted the attention of all Europe, and every acquisition which was made there appeared more important than its weight in the

balance of power was, strictly speaking, entitled to. Henry also thought that he had reason to complain of Francis for sending the duke of Albany into Scotland, and undermining the power and credit of his sister the queen dowager.<sup>10</sup> The repairing of the fortifications of Terouenne was likewise regarded as a breach of treaty. But, above all, what tended to alienate the court of England, was the disgust which Wolsey had entertained against the French monarch.

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<sup>8</sup> Mémoires du Bellai, lib. i. Guicciard. lib. xii.

<sup>9</sup> Histoire de la Ligue de Cambray.

<sup>10</sup> Père Daniel, vol. iii. p. 31.

Henry, on the conquest of Tournay had refused to admit Lewis Gaillart, the bishop elect, to the possession of the temporalities, because that prelate declined taking the oath of allegiance to his new sovereign; and Wolsey was appointed as above related, administrator of the bishopric. As the cardinal wished to obtain the free and undisturbed enjoyment of this revenue, he applied to Francis, and desired him to bestow on Gaillart some see of equal value in France, and to obtain his resignation of Tournay. Francis, who still hoped to recover possession of that city, and who feared that the full establishment of Wolsey in the bishopric would prove an obstacle to his purpose, had hitherto neglected to gratify the haughty prelate; and the bishop of Tournay, by applying to the court of Rome, had obtained a bull for his settlement in the see. Wolsey, who expected to be indulged in every request, and who exacted respect from the greatest princes, resented the slight put upon him by Francis and he pushed his master to seek an occasion of quarrel with that monarch.<sup>11</sup>

Maximilian, the emperor, was ready to embrace every overture for a new enterprise; especially if attended with an offer of money, of which he was very greedy, very prodigal, and very indigent. Richard Pace, formerly secretary to Cardinal Bambridge, and now secretary of state, was despatched to the court of Vienna, and had a commission to propose some considerable payments to Maximilian:<sup>12</sup> he thence made a journey into Switzerland; and by like motives engaged some of the cantons to furnish

troops to the emperor. That prince invaded Italy with a considerable army; but being repulsed from before Milan, he retreated with his army into Germany, made peace with France and Venice, ceded Verona to that republic for a sum of money, and thus excluded himself in some measure from all future access into Italy. And Henry found, that after expending five or six hundred thousand ducats, in order to gratify his own and the cardinal's humor, he had only weakened his alliance with Francis, without diminishing the power of that prince.

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<sup>11</sup> Polyd. Virg. lib. xxvii.

<sup>12</sup> Petrus de Angleria, epist. 568.

There were many reasons which engaged the king not to proceed further at present in his enmity against France: he could hope for assistance from no power in Europe. Ferdinand, his father-in-law, who had often deceived him, was declining through age and infirmities; and a speedy period was looked for to the long and prosperous reign of that great monarch. Charles, prince of Spain, sovereign of the Low Countries, desired nothing but peace with Francis, who had it so much in his power, if provoked, to obstruct his peaceable accession to that rich inheritance which was awaiting him. The pope was overawed by the power of France, and Venice was engaged in a close alliance with that monarchy.<sup>13</sup> Henry, therefore, was constrained to remain in tranquillity during some time; and seemed to give himself no concern with regard to the affairs of the continent. In vain did Maximilian endeavor to allure him into some expense, by offering to make a resignation of the imperial crown in his favor. The artifice was too gross to succeed, even with a prince so little politic as Henry; and Pace, his envoy, who was perfectly well acquainted with the emperor's motives and character, gave him warning that the sole view of that prince, in making him so liberal an offer, was to draw money from him.

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<sup>13</sup> Guicciard. lib. xii.

While a universal peace prevailed in Europe, that event happened which had so long been looked for, and from which such important consequences were expected—the death of Ferdinand the Catholic, and the succession of his grandson Charles to his extensive dominions. The more Charles advanced in power and authority, the more was Francis sensible of the necessity he himself lay under of gaining the confidence and friendship of Henry; and he took at last the only method by which he could obtain success, the paying of court, by presents and flattery, to the haughty cardinal.

Bonnivet, admiral of France, was despatched to London, and he was <sup>1518</sup>. directed to employ all his insinuation and address, (qualities in which he excelled,) to procure himself a place in Wolsey's good graces. After the ambassador had succeeded in his purpose, he took an opportunity of expressing his master's regret that, by mistakes and misapprehensions, he had been so unfortunate as to lose a friendship which he so much valued as that of his eminence. Wolsey was not deaf to these honorable advances from so great a monarch and he was thenceforth observed to express himself, on all occasions, in favor of the French alliance. The more to engage him in his interests, Francis entered into such confidence with him, that he asked his advice even in his most secret affairs; and had recourse to him in all difficult emergencies, as to an oracle of wisdom and profound policy. The cardinal made no secret to the king of this private correspondence; and Henry was so prepossessed in favor of the great capacity of his minister, that he said he verily believed he would govern Francis as well as himself.<sup>14</sup>.....

When matters seemed sufficiently prepared, Bonnavet opened to the cardinal his master's desire of recovering Tournay; and Wolsey immediately, without hesitation, engaged to effect his purpose. He took an opportunity of representing to the king and council, that Tournay lay so remote from Calais, that it would be very difficult, if not impossible, in case of war, to keep the communication open between these two places; that as it was situated on the frontiers both of France and the Netherlands, it was exposed to attacks from both these countries, and must necessarily, either by force or famine, fall into the hands of the first assailant; that even in time of peace it could not be preserved without a large garrison, to

restrain the numerous and mutinous inhabitants, ever discontented with the English government; and that the possession of Tournay, as it was thus precarious and expensive, so was it entirely useless, and afforded little or no means of annoying, on occasion, the dominions either of Charles or of Francis.

These reasons were of themselves convincing, and were sure of meeting with no opposition when they came from the mouth of the cardinal. A treaty therefore was catered into for the ceding of Tournay; and in order to give to that measure a more graceful appearance, it was agreed, that the dauphin and the princess Mary, both of them infants, should be betrothed, and that this city should be considered as the dowry of the princess. Such kinds of agreement were then common among sovereigns; though it was very rare that the interests and views of the parties continued so steady as to render the intended marriages effectual. But as Henry had been at considerable expense in building a citadel at Tournay, Francis agreed to pay him six hundred thousand crowns at twelve annual payments, and to put into his hands eight hostages, all of them men of quality, for the performance of the article.<sup>15</sup> And lest the cardinal should think himself neglected in these stipulations, Francis promised him a yearly pension of twelve thousand livres, as an equivalent for his administration of the bishopric of Tournay.

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<sup>14</sup> Polyd. Virg. lib. xxvii.

<sup>15</sup> Mémoires du Bellal, lib. i.

The French monarch, having succeeded so well in this negotiation, began to enlarge his views, and to hope for more considerable advantages by practising on the vanity and self-conceit of the favorite. He redoubled his flatteries to the cardinal, consulted him more frequently in every doubt or difficulty, called him in each letter “father,” “tutor,” “governor,” and professed the most unbounded deference to his advice and opinion. All these caresses were preparatives to a negotiation for the delivery of Calais, in consideration of a sum of money to be paid for it; and if we may credit Polydore Virgil, who bears a particular ill-will to Wolsey, on account of his

being dispossessed of his employment and thrown into prison by that minister, so extraordinary a proposal met with a favorable reception from the cardinal. He ventured not, however, to lay the matter before the council: he was content to sound privately the opinion of the other ministers, by dropping hints in conversation, as if he thought Calais a useless burden to the kingdom:<sup>16</sup> but when he found that all men were strongly riveted in a contrary persuasion, he thought it dangerous to proceed any further in his purpose; and as he fell soon after into new connections with the king of Spain, the great friendship between Francis and him began gradually to decline.

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<sup>16</sup> Polyd. Virg. lib. xxvii.

The pride of Wolsey was now further increased by a great accession of power and dignity. Cardinal Campeggio had been sent as legate into England, in order to procure a lithe from the clergy, for enabling the pope to oppose the progress of the Turks; a danger which was become real, and was formidable to all Christendom, but on which the politics of the court of Rome had built so many interested projects that it had lost all influence on the minds of men. The clergy refused to comply with Leo's demands: Campeggio was recalled; and the king desired of the pope that Wolsey, who had been joined in this commission, might alone be invested with the legatine power, together with the right of visiting all the clergy and monasteries, and even with suspending all the laws of the church during a twelvemonth. Wolsey, having obtained this new dignity, made a new display of that state and parade to which he was so much addicted. On solemn feast-days, he was not content without saying mass after the manner of the pope himself: not only he had bishops and abbots to serve him; he even engaged the first nobility to give him water and the towel. He affected a rank superior to what had ever been claimed by any churchman in England. Warham, the primate, having written him a letter in which he subscribed himself "your loving brother," Wolsey complained of his presumption in thus challenging an equality with him. When Warham was told what offence he had given, he made light of the matter. "Know ye not," said he, "that this man is drunk with too much prosperity?"

But Wolsey carried the matter much further than vain pomp and ostentation. He erected an office which he called the legatine court; and as he was now, by means of the pope's commission and the king's favor, invested with all power, both ecclesiastical and civil, no man knew what bounds were to be set to the authority of his new tribunal. He conferred on it a kind of inquisitorial and censorial powers even over the laity, and directed it to inquire into all matters of conscience; into all conduct which had given scandal; into all actions which, though they escaped the law, might appear contrary to good morals. Offence was taken at this commission, which was really unbounded; and the people were the more disgusted, when they saw a man who indulged himself in pomp and pleasure, so severe in repressing the least appearance of licentiousness in others. But to render his court more obnoxious, Wolsey made one John Allen judge in it, a person of scandalous life,<sup>17</sup> whom he himself, as chancellor, had, it is said, condemned for perjury: and as it is pretended, that this man either extorted fines from every one whom he was pleased to find guilty, or took bribes to drop prosecutions, men concluded, and with some appearance of reason, that he shared with the cardinal those wages of iniquity.

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<sup>17</sup> Strype's Memorials, vol. i. p. 125.

The clergy, and in particular the monks, were exposed to this tyranny; and as the libertinism of their lives often gave a just handle against them, they were obliged to purchase an indemnity by paying large sums of money to the legate or his judge. Not content with this authority, Wolsey pretended, by virtue of his commission, to assume the jurisdiction of all the bishops' courts, particularly that of judging of wills and testaments; and his decisions in those important points were deemed not a little arbitrary. As if he himself were pope, and as if the pope could absolutely dispose of every ecclesiastical preferment, he presented to whatever priories or benefices he pleased, without regard to the right of election in the monks, or of patronage in the nobility and gentry.<sup>18</sup>



No one durst carry to the king any complaint against these usurpations of Wolsey, till Warham ventured to inform him of the discontents of his people. Henry professed his ignorance of the whole matter. "A man," said he, "is not so blind any where as in his own house: but do you, father," added he to the primate, "go to Wolsey, and tell him, if any thing be amiss, that he amend it." A reproof of this kind was not likely to be effectual: it only served to augment Wolsey's enmity to Warham: but one London having prosecuted Allen, the legate's judge, in a court of law, and having convicted him of malversation and iniquity, the clamor at last reached the king's ears; and he expressed such displeasure to the cardinal, as made him ever after more cautious in exerting his authority.

While Henry, indulging himself in pleasure and amusement, intrusted <sup>1519</sup> the government of his kingdom to this imperious minister, an incident happened abroad which excited his attention. Maximilian, the emperor, died; a man who, of himself, was indeed of little consequence; but as his death left vacant the first station among Christian princes, it set the passions of men in agitation, and proved a kind of era in the general system of Europe. The kings of France and Spain immediately declared themselves candidates for the imperial crown, and employed every expedient of money or intrigue, which promised them success in so great a point of ambition. Henry also was encouraged to advance his pretensions; but his minister Pace, who was despatched to the electors, found that he began to solicit too late, and that the votes of all these princes were already preëngaged either on one side or the other.

Francis and Charlea made profession from the beginning of carrying on this rivalry with emulation, but without enmity.

This whole narrative has been copied by all the historians from the author here cited: there are many circumstances, however, very suspicious, both because of the obvious partiality of the historian, and because the parliament, when they afterwards examined Wolsey's conduct, could find no proof of any material offence he had ever committed, and Francis in particular declared, that his brother Charles and he were, fairly

and openly, suitors to the same mistress; the more fortunate, added he, will carry her; the other must rest contented.<sup>19</sup>

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<sup>19</sup> Belcario, lib. xvi. Guicciard. lib. xiii.

But all men apprehended that this extreme moderation, however reasonable, would not be of long duration; and that incidents would certainly occur to sharpen the minds of the candidates against each other. It was Charles who at length prevailed, to the great disgust of the French monarch, who still continued to the last in the belief that the majority of the electoral college was engaged in his favor. And as he was some years superior in age to his rival, and, after his victory at Marignan and conquest of the Milanese, much superior in renown, he could not suppress his indignation at being thus, in the face of the world, after long and anxious expectation, disappointed in so important a pretension. From this competition, as much as from opposition of interests, arose that emulation between those two great monarchs, which, while it kept their whole age in movement, sets them in so remarkable a contrast to each other: both of them princes endowed with talents and abilities; brave, aspiring, active warlike; beloved by their servants and subjects, dreaded by their enemies, and respected by all the world: Francis, open, frank, liberal, munificent, carrying these virtues to an excess which prejudiced his affairs: Charles, political, close, artful, frugal; better qualified to obtain success in wars and in negotiations, especially the latter. The one the more amiable man; the other the greater monarch. The king, from his oversights and indiscretions, naturally exposed to misfortunes; but qualified, by his spirit and magnanimity, to extricate himself from them with honor: the emperor, by his designing, interested character, fitted, in his greatest successes, to excite jealousy and opposition even among his allies, and to rouse up a multitude of enemies in the place of one whom he had subdued. And as the personal qualities of these princes thus counterpoised each other, so did the advantages and disadvantages of their dominions. Fortune alone, without the concurrence of prudence or valor, never reared up of a sudden so great a power as that which centred in the emperor Charles. He reaped the succession of Castile, of Arragon, of Austria, of the

Netherlands: he inherited the conquest of Naples, of Grenada: election entitled him to the empire: even the bounds of the globe seemed to be enlarged a little before his time, that he might possess the whole treasure, as yet entire and unrifled, of the new world. But though the concurrence of all these advantages formed an empire greater and more extensive than any known in Europe since that of the Romans, the kingdom of France alone, being close, compact, united, rich, populous, and being interposed between the provinces of the emperor's dominions, was able to make a vigorous opposition to his progress, and maintain the contest against him.

Henry possessed the felicity of being able, both by the native force of his kingdom and its situation, to hold the balance between those two powers; and had he known to improve by policy and prudence this singular and inestimable advantage, he was really, by means of it, a greater potentate than either of those mighty monarchs, who seemed to strive for the dominion of Europe. But this prince was in his character heedless, inconsiderate, capricious, impolitic; guided by his passions or his favorite; vain, imperious, haughty; sometimes actuated by friendship for foreign powers, oftener by resentment, seldom by his true interest. And thus, though he exulted in that superiority which his situation in Europe gave him, he never employed it to his own essential and durable advantage, or to that of his kingdom.

Francis was well acquainted with Henry's character, and endeavored to <sup>1520</sup> accommodate his conduct to it. He solicited an interview near Calais; in expectation of being able by familiar conversation to gain upon his friendship and confidence. Wolsey earnestly seconded this proposal; and hoped, in the presence of both courts, to make parade of his riches, his splendor, and his influence over both monarchs.<sup>20</sup>.....

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<sup>20</sup> Polyd. Virg. lib. xxvii.

And as Henry himself loved show and magnificence, and had entertained a curiosity of being personally acquainted with the French king, he cheerfully adjusted all the preliminaries of this interview. The nobility of both nations vied with each other in pomp and expense: many of them

involved themselves in great debts, and were not able, by the penury of their whole lives, to repair the vain splendor of a few days. The duke of Buckingham, who, though very rich, was somewhat addicted to frugality, finding his preparations for this festival amount to immense sums, threw out some expressions of displeasure against the cardinal, whom he believed the author of that measure;<sup>21</sup> an imprudence which was not forgotten by this minister.

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<sup>21</sup> Polyd. Vii·g. lib. xxvii. Herbert. Holingshed, p. 855.

While Henry was preparing to depart for Calais, he heard that the emperor was arrived at Dover; and he immediately hastened thither with the queen, in order to give a suitable reception to his royal guest. That great prince, politic though young, being informed of the intended interview between Francis and Henry, was apprehensive of the consequences; and was resolved to take the opportunity, in his passage from Spain to the Low Countries, to make the king still a higher compliment, by paying him a visit in his own dominions. Besides the marks of regard and attachment which he gave to Henry, he strove by every testimony of friendship, by flattery, protestations, promises, and presents, to gain on the vanity, the avarice, and the ambition of the cardinal. He here instilled into this aspiring prelate the hope of attaining the papacy; and as that was the sole point of elevation beyond his present greatness, it was sure to attract his wishes with the same ardor as if Fortune had never yet favored him with any of her presents. In confidence of reaching this dignity by the emperor's assistance, he secretly devoted himself to that monarch's interests; and Charles was perhaps the more liberal of his promises, because Leo was a very young man; and it was not likely that for many years he should be called upon to fulfil his engagements. Henry easily observed this courtship paid to his minister; but instead of taking umbrage at it, he only made it a subject of vanity; and believed that, as his favor was Wolsey's sole support, the obeisance of such mighty monarchs to his servant was, in reality, a more conspicuous homage to his own grandeur.

The day of Charles's departure, Henry went over to Calais with the queen and his whole court; and thence proceeded to Guisnes, a small town

near the frontiers. Francis, attended in like manner, came to Ardres, a few miles distant; and the two monarchs met, for the first time, in the fields, at a place situated between these two towns, but still within the English pale; for Francis agreed to pay this compliment to Henry, in consideration of that prince's passing the sea that he might be present at the interview. Wolsey, to whom both kings had intrusted the regulation of the ceremonial, contrived this circumstance, in order to do honor to his master. The nobility both of France and England here displayed their magnificence with such emulation and profuse expense, as procured to the place of interview the name of "the field of the cloth of gold."

The two monarchs, after saluting each other in the most cordial manner, retired into a tent which had been erected on purpose, and they held a secret conference together. Henry here proposed to make some amendments on the articles of their former alliance; and he began to read the treaty, "I Henry, king:" these were the first words; and he stopped a moment. He subjoined only the words "of England," without adding "France," the usual style of the English monarchs.<sup>22</sup> Francis remarked this delicacy, and expressed by a smile his approbation of it.

He took an opportunity soon after of paying a compliment to Henry of a more flattering nature. That generous prince, full of honor himself, and incapable of distrusting others, was shocked at all the precautions which were observed whenever he had an interview with the English monarch: the number of their guards and attendants was carefully reckoned on both sides: every step was scrupulously measured and adjusted: and if the two kings intended to pay a visit to the queens, they departed from their respective quarters at the same instant, which was marked by the firing of a culverin; they passed each other in the middle point between the places; and the moment that Henry entered Ardres, Francis put himself into the hands of the English at Guisnes. In order to break off this tedious ceremonial, which contained so many dishonorable implications, Francis one day took with him two gentlemen and a page, and rode directly into Guisnes. The guards were surprised at the presence of the monarch, who called aloud to them, "You are all my prisoners: carry me to your master." Henry was equally astonished at the appearance of Francis; and taking him in his arms, "My brother," said he, "you have here played me the most

agreeable trick in the world, and have showed me the full confidence I may place in you: I surrender myself your prisoner from this moment.” He took from his neck a collar of pearls, worth fifteen thousand angels;<sup>23</sup> and putting it about Francis’s, begged him to wear it for the sake of his prisoner.

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<sup>22</sup> Mémoires de Fleuranges.

<sup>23</sup> An angel was then estimated at seven shillings, or near twelve of our present money.

Francis agreed, but on condition that Henry should wear a bracelet of which he made him a present, and which was double in value to the collar.<sup>24</sup> The king went next day to Ardres without guards or attendants; and confidence being now fully established between the monarchs, they employed the rest of the time entirely in tournaments and festivals.

A defiance had been sent by the two kings to each other’s court, and through all the chief cities in Europe, importing, that Henry and Francis, with fourteen aids, would be ready, in the plains of Picardy, to answer all comers that were gentlemen, at tilt, tournament, and barriers. The monarchs, in order to fulfil this challenge, advanced into the field on horseback, Francis surrounded with Henry’s guards, and Henry with those of Francis. They were gorgeously apparelled; and were both of them the most comely personages of their age, as well as the most expert in every military exercise. They carried away the prize at all trials in those rough and dangerous pastimes; and several horses and riders were overthrown by their vigor and dexterity. The ladies were the judges in these feats of chivalry, and put an end to the rencounter whenever they judged it expedient. Henry erected a spacious house of wood and canvas, which had been framed in London; and he there feasted the French monarch. He had placed a motto on this fabric, under the figure of an English archer embroidered on it, “Cui adhæreo præest,” He prevails whom I favor;<sup>25</sup> expressing his own situation, as holding in his hands the balance of power among the potentates of Europe. In these entertainments, more than in any serious business, did the two kings pass their time, till their departure.

.....<sup>24</sup> Mémoires de Fleuranges.

.....<sup>25</sup> Mezeray.

Henry paid then a visit to the emperor and Margaret of Savoy at Gravelines, and engaged them to go along with him to Calais, and pass some days in that fortress. The artful and politic Charles here completed the impression which he had begun to make on Henry and his favorite, and effaced all the friendship to which the frank and generous nature of Francis had given birth. As the house of Austria began sensibly to take the ascendant over the French monarchy, the interests of England required that some support should be given to the latter, and, above all, that any important wars should be prevented which might bestow on either of them a decisive superiority over the other. But the jealousy of the English against France has usually prevented a cordial union between those nations; and Charles, sensible of this hereditary animosity, and desirous further to flatter Henry's vanity, had made him an offer, (an offer in which Francis was afterwards obliged to concur,) that he should be entirely arbiter in any dispute or difference that might arise between the monarchs. But the masterpiece of Charles's politics was the securing of Wolsey in his interests, by very important services, and still higher promises. He renewed assurances of assisting him in obtaining the papacy; and he put him in present possession of the revenues belonging to the sees of Badajoz and Palencia in Castile. The acquisitions of Wolsey were now become so exorbitant, that, joined to the pensions from foreign powers which Henry allowed him to possess, his revenues were computed nearly to equal those which belonged to the crown itself; and he spent them with a magnificence; or rather an ostentation, which gave general offence to the people; and even lessened his master in the eyes of all foreign nations.<sup>26</sup>.....

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.....<sup>26</sup> Polyd. Virg. Hall.

The violent personal emulation and political jealousy which had taken place between the emperor and the French king, soon broke out in

hostilities. But while these ambitious and warlike princes were acting against each other in almost every part of Europe, they still made professions of the strongest desire of peace; and both of them incessantly carried their complaints to Henry, as to the umpire between them. The king, who pretended to be neutral, engaged them to send their ambassadors to Calais, there to negotiate a peace under the mediation of Wolsey and the pope's nuncio. The emperor was well apprised of the partiality of these mediators; and his demands in the conference were so unreasonable as plainly proved him conscious of the advantage. He required the restitution of Burgundy, a province which many years before had been ceded to France by treaty, and which, if in his possession, would have given him entrance into the heart of that kingdom: and he demanded to be freed from the homage which his ancestors had always done for Flanders and Artois, and which he himself had by the treaty of Noyon engaged to renew.

On Francis's rejecting these terms, the congress of Calais broke up; and <sup>1521.</sup> Wolsey soon after took a journey to Bruges, where he met with the emperor. He was received with the same state, magnificence, and respect, as if he had been the king of England himself; and he concluded, in his master's name, an offensive alliance with the pope and the emperor against France. He stipulated that England should next summer invade that kingdom with forty thousand men; and he betrothed to Charles the princess Mary, the king's only child, who had now some prospect of inheriting the crown. This extravagant alliance, which was prejudicial to the interests, and might have proved fatal to the liberty and independence, of the kingdom, was the result of the humors and prejudices of the king, and the private views and expectations of the cardinal.

The people saw every day new instances of the uncontrolled authority of this minister. The duke of Buckingham, constable of England, the first nobleman both for family and fortune in the kingdom, had imprudently given disgust to the cardinal; and it was not long before he found reason to repent of his indiscretion. He seems to have been a man full of levity and rash projects; and being infatuated with judicial astrology, he entertained a commerce with one Hopkins, a Carthusian friar, who encouraged him in the notion of his mounting one day the throne of England. He was



descended by a female from the duke of Gloucester, youngest son of Edward III.; and though his claim to the crown was thereby very remote, he had been so unguarded as to let fall some expressions, as if he thought himself best entitled, in case the king should die without issue, to possess the royal dignity. He had not even abstained from threats against the king's life; and had provided himself with arms, which he intended to employ, in case a favorable opportunity should offer. He was brought to a trial; and the duke of Norfolk, whose son, the earl of Surrey, had married Buckingham's daughter, was created lord steward, in order to preside at this solemn procedure. The jury consisted of a duke, a marquis, seven earls, and twelve barons; and they gave their verdict against Buckingham, which was soon after carried into execution. There is no reason to think the sentence unjust;<sup>27</sup> but as Buckingham's crimes seemed to proceed more from indiscretion than deliberate malice, the people, who loved him, expected that the king would grant him a pardon, and imputed their disappointment to the animosity and revenge of the cardinal.

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<sup>27</sup> ..... Herbert. Hall. Stowe, p. 513. Holingshed, p. 862.

The king's own jealousy, however, of all persons allied to the crown, was, notwithstanding his undoubted title, very remarkable during the whole course of his reign; and was alone sufficient to render him implacable against Buckingham. The office of constable, which this nobleman inherited from the Bohuns, earls of Hereford, was forfeited, and was never after revived in England.



## CHAPTER 30

### HENRY VIII.

During some years, many parts of Europe had been agitated with those <sup>1521.</sup> religious controversies which produced the reformation, one of the greatest events in history: but as it was not till this time that the king of England publicly took part in the quarrel, we had no occasion to give any account of its rise and progress. It will now be necessary to explain these theological disputes; or, what is more material, to trace from their origin those abuses which so generally diffused the opinion, that a reformation of the church or ecclesiastical order was become highly expedient, if not absolutely necessary. We shall be better enabled to comprehend the subject if we take the matter a little higher, and reflect a moment on the reasons why there must be an ecclesiastical order and a public establishment of religion in every civilized community. The importance of the present occasion will, I hope, excuse this short digression.

Most of the arts and professions in a state are of such a nature, that, while they promote the interests of the society, they are also useful or agreeable to some individuals; and, in that case, the constant rule of the magistrate, except, perhaps, on the first introduction of any art, is to leave the profession to itself, and trust its encouragement to those who reap the benefit of it. The artisans, finding their profits to rise by the favor of their customers, increase as much as possible their skill and industry; and as matters are not disturbed by any injudicious tampering, the commodity is always sure to be at all times nearly proportioned to the demand.

But there are also some callings which, though useful and even necessary in a state, bring no particular advantage or pleasure to any individual; and the supreme power is obliged to alter its conduct with regard to the retainers of those professions. It must give them public encouragement in order to their subsistence; and it must provide against that negligence to which they will naturally be subject, either by annexing peculiar honors to the profession, by establishing a long subordination of ranks and a strict dependence, or by some other expedient. The persons

employed in the finances, armies, fleets, and magistracy, are instances of this order of men.

It may naturally be thought, at first sight, that the ecclesiastics belong to the first class, and that their encouragement, as well as that of lawyers and physicians, may safely be intrusted to the liberality of individuals, who are attached to their doctrines, and who find benefit or consolation from their spiritual ministry and assistance. Their industry and vigilance will no doubt, be whetted by such an additional motive; and their skill in their profession, as well as their address in governing the minds of the people, must receive daily increase from their increasing practice, study, and attention.

But if we consider the matter more closely, we shall find, that this interested diligence of the clergy is what every wise legislator will study to prevent; because in every religion, except the true, it is highly pernicious, and it has even a natural tendency to pervert the true, by infusing into it a strong mixture of superstition, folly, and delusion. Each ghostly practitioner, in order to render himself more precious and sacred in the eyes of his retainers, will inspire them with the most violent abhorrence of all other sects, and continually endeavor, by some novelty, to excite the languid devotion of his audience. No regard will be paid to truth, morals, or decency, in the doctrines inculcated. Every tenet will be adopted that best suits the disorderly affections of the human frame. Customers will be drawn to each conventicle by new industry and address, in practising on the passions and credulity of the populace. And, in the end, the civil magistrate will find, that he has dearly paid for his pretended frugality, in saving a fixed establishment for the priests; and that in reality the most decent and advantageous composition which he can make with the spiritual guides is to bribe their indolence, by assigning stated salaries to their profession, and rendering it superfluous for them to be further active than merely to prevent their flock from straying in quest of new pastures. And in this manner ecclesiastical establishments, though commonly they arose at first from religious views, prove in the end advantageous to the political interests of society.

But we may observe, that few ecclesiastical establishments have been fixed upon a worse foundation than that of the church of Rome, or have

been attended with circumstances more hurtful to the peace and happiness of mankind. The large revenues, privileges, immunities, and powers of the clergy, rendered them formidable to the civil magistrate; and armed with too extensive authority an order of men who always adhere closely together, and who never want a plausible pretence for their encroachments and usurpations. The higher dignities of the church served, indeed, to the support of gentry and nobility; but by the establishment of monasteries, many of the lowest vulgar were taken from the useful arts, and maintained in those receptacles of sloth and ignorance. The supreme head of the church was a foreign potentate, guided by interests always different from those of the community, sometimes contrary to them. And as the hierarchy was necessarily solicitous to preserve a unity of faith, rites, and ceremonies, all liberty of thought ran a manifest risk of being extinguished; and violent persecutions, or, what was worse, a stupid and abject credulity, took place every where.

To increase these evils, the Church, though she possessed large revenues, was not contented with her acquisitions, but retained a power of practising further on the ignorance of mankind. She even bestowed on each individual priest a power of enriching himself by the voluntary oblations of the faithful, and left him still an urgent motive for diligence and industry in his calling. And thus that church, though an expensive and burdensome establishment, was liable to many of the inconveniences which belong to an order of priests, trusting entirely to their own art and invention for obtaining a subsistence.

The advantages attending the Romish hierarchy were but a small compensation for its inconveniences. The ecclesiastical privileges, during barbarous times, had served as a check on the despotism of kings. The union of all the western churches under the supreme pontiff facilitated the intercourse of nations, and tended to bind all the parts of Europe into a close connection with each other. And the pomp and splendor of worship which belonged to so opulent an establishment, contributed in some respect to the encouragement of the fine arts, and began to diffuse a general elegance of taste by uniting it with religion.

It will easily be conceived that, though the balance of evil prevailed in the Romish church, this was not the chief reason which produced the

reformation. A concurrence of incidents must have contributed to forward that great revolution.

Leo X., by his generous and enterprising temper, had much exhausted his treasury, and was obliged to employ every invention which might yield money, in order to support his projects, pleasures, and liberalities. The scheme of selling indulgences was suggested to him, as an expedient which had often served in former times to draw money from the Christian world, and make devout people willing contributors to the grandeur and riches of the court of Rome. The church, it was supposed, was possessed of a great stock of merit, as being entitled to all the good works of all the saints, beyond what were employed in their own justification; and even to the merits of Christ himself, which were infinite and unbounded; and from this unexhausted treasury the pope might retail particular portions, and by that traffic acquire money to be employed in pious purposes, in resisting the infidels, or subduing schismatics. When the money came into his exchequer, the greater part of it was usually diverted to other purposes.<sup>1</sup>

It is commonly believed that Leo, from the penetration of his genius, and his familiarity with ancient literature, was fully acquainted with the ridicule and falsity of the doctrines which, as supreme pontiff, he was obliged by his interest to promote: it is the less wonder, therefore, that he employed for his profit those pious frauds which his predecessors, the most ignorant and credulous, had always, under plausible pretences, made use of for their selfish purposes. He published the sale of a general indulgence; <sup>2</sup> and as his expenses had not only exhausted his usual revenue, but even anticipated the money expected from this extraordinary expedient, the several branches of it were openly given away to particular persons, who were entitled to levy the imposition. The produce, particularly of Saxony and the countries bordering on the Baltic, was assigned to his sister Magdalene, married to Cibo, natural son of Innocent VIII.; and she, in order to enhance her profit, had farmed out the revenue to one Arcemboldi, a Genoese, once a merchant, now a bishop, who still retained all the lucrative arts of his former profession.<sup>3</sup> The Austin friars had usually been employed in Saxony to preach the indulgences, and from this trust had derived both profit and consideration: but Arcemboldi, fearing lest practice might have taught them means to secrete the money.<sup>4</sup>

and expecting no extraordinary success from the ordinary methods of collection, gave this occupation to the Dominicans.

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<sup>1</sup> ... Father Paul and Sleidan.

<sup>2</sup> ... In 1517.

<sup>3</sup> ... Father Paul. Sleidan.

<sup>4</sup> ... Father Paul, lib. 1

These monks, in order to prove themselves worthy of the distinction conferred on them, exaggerated the benefits of indulgences by the most unbounded panegyrics; and advanced doctrines on that head, which, though not more ridiculous than those already received, were not as yet entirely familiar to the ears of the people.<sup>5</sup> To add to the scandal, the collectors of this revenue are said to have lived very licentious lives, and to have spent in taverns, gaming-houses, and places still more infamous, the money which devout persons had saved from their usual expenses, in order to purchase a remission of their sins.<sup>6</sup>

All these circumstances might have given offence, but would have been attended with no event of any importance, had there not arisen a man qualified to take advantage of the incident. Martin Luther, an Austin friar, professor in the university of Wittemberg, resenting the affront put upon his order, began to preach against these abuses in the sale of indulgences; and being naturally of a fiery temper, and provoked by opposition, he proceeded even to decry indulgences themselves; and was thence carried, by the heat of dispute, to question the authority of the pope, from which his adversaries derived their chief arguments against him.<sup>7</sup> Still, as he enlarged his reading, in order to support these tenets, he discovered some new abuse or error in the church of Rome; and finding his opinions greedily hearkened to, he promulgated them by writing, discourse, sermon, conference; and daily increased the number of his disciples. All Saxony, all Germany, all Europe, were in a very little time filled with the voice of this daring innovator; and men, roused from that lethargy in which they had so long slept, began to call in question the most ancient and most received opinions. The elector of Saxony, favorable to

Luther's doctrine, protected him from the violence of the papal jurisdiction: the republic of Zurich even reformed their church according to the new model: many sovereigns of the empire, and the imperial diet itself, showed a favorable disposition towards it: and Luther, a man naturally inflexible, vehement, opinionative, was become incapable, either from promises of advancement or terrors of severity, to relinquish a sect of which he was himself the founder, and which brought him a glory superior to all others—the glory of dictating the religious faith and principles of multitudes.

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<sup>5</sup> Protestant writers have imagined, that because a man could purchase for a shilling an indulgence for the most enormous and unheard-of crimes, there must necessarily have ensued a total dissolution of morality, and consequently of civil society, from the practices of the Romish church. They do not consider, that after all these indulgences were promulgated, there still remained (besides hell fire) the punishment by the civil magistrate, the infamy of the world, and secret remorse of conscience, which are the great motives that operate on mankind. The philosophy of Cicero, who allowed of an Elysium, but rejected all Tartarus, was a much more universal indulgence than that preached by Arcemboldi or Tetzal; yet nobody will suspect Cicero of any design to promote immorality. The sale of indulgences seems, therefore, no more criminal than any other cheat of the church of Rome, or of any other church. The reformers, by entirely abolishing purgatory, did really, instead of partial indulgences sold by the pope, give, gratis, a general indulgence of a similar nature, for all crimes and offences, without exception or distinction. The souls once consigned to hell were never supposed to be redeemable by any price. There is on record only one instance of a damned soul that was saved, and that by the special intercession of the Virgin. See Pascal's Provincial Letters. An indulgence saved the person who purchased it from purgatory only.]

<sup>6</sup> Father Paul, lib. i.

<sup>7</sup> Father Paul. Sleidan

The rumor of these innovations soon reached England and as there still subsisted in that kingdom great remains of the Lollards, whose principles resembled those of Luther, the new doctrines secretly gained many partisans among the laity of all ranks and denominations. But Henry had been educated in a strict attachment to the church of Rome; and he bore a

particular prejudice against Luther, who, in his writings, spoke with contempt of Thomas Aquinas, the king's favorite author: he opposed himself, therefore, to the progress of the Lutheran tenets, by all the influence which his extensive and almost absolute authority conferred upon him: he even undertook to combat them with weapons not usually employed by monarchs, especially those in the flower of their age and force of their passions. He wrote a book in Latin against the principles of Luther; a performance which, if allowance be made for the subject and the age, does no discredit to his capacity. He sent a copy of it to Leo, who received so magnificent a present with great testimony of regard; and conferred on him the title of "defender of the faith;" an appellation still retained by the kings of England. Luther, who was in the heat of controversy, soon published an answer to Henry; and, without regard to the dignity of his antagonist, treated him with all the acrimony of style to which, in the course of his polemics, he had so long been accustomed. The king, by this ill usage, was still more prejudiced against the new doctrines; but the public, who naturally favor the weaker party, were inclined to attribute to Luther the victory in the dispute.<sup>8</sup> And as the controversy became more illustrious by Henry's entering the lists, it drew still more the attention of mankind; and the Lutheran doctrine daily acquired new converts in every part of Europe.

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<sup>8</sup> Father Paul, lib. i.

The quick and surprising progress of this bold sect may justly in part be ascribed to the late invention of printing, and revival of learning; not that reason bore any considerable share in opening men's eyes with regard to the impostures of the Romish church; for of all branches of literature, philosophy had, as yet, and till long afterwards, made the most inconsiderable progress; neither is there any instance, that argument has ever been able to free the people from that enormous load of absurdity with which superstition has every where overwhelmed them; not to mention, that the rapid advance of the Lutheran doctrine and the violence with which it was embraced, prove sufficiently, that it owed not its success to reason and reflection. The art of printing and the revival of learning



forwarded its progress in another manner. By means of that art, the books of Luther and his sectaries full of vehemence, declamation, and a rude eloquence, were propagated more quickly, and in greater numbers. The minds of men, somewhat awakened from a profound sleep of so many centuries, were prepared for every novelty, and scrupled less to tread in any unusual path which was opened to them. And as copies of the Scriptures and other ancient monuments of the Christian faith became more common, men perceived the innovations which were introduced after the first centuries; and though argument and reasoning could not give conviction, an historical fact, well supported, was able to make impression on their understandings. Many of the powers, indeed, assumed by the church of Rome, were very ancient, and were prior to almost every political government established in Europe: but as the ecclesiastics would not agree to possess their privileges as matters of civil right, which time might render valid, but appealed still to a divine origin, men were tempted to look into their primitive charter, and they could, without much difficulty, perceive its defect in truth and authenticity.

In order to bestow on this topic the greater influence, Luther and his followers, not satisfied with opposing the pretended divinity of the Romish church, and displaying the temporal inconveniences of that establishment, carried matters much further, and treated the religion of their ancestors as abominable, detestable, damnable; foretold by sacred writ itself as the source of all wickedness and pollution. They denominated the pope Antichrist, called his communion the scarlet whore, and gave to Rome the appellation of Babylon; expressions which, however applied, were to be found in Scripture, and which were better calculated to operate on the multitude than the most solid arguments. Excited by contest and persecution on the one hand, by success and applause on the other, many of the reformers carried to the greatest extremities their opposition to the church of Rome; and in contradiction to the multiplied superstitions with which that communion was loaded, they adopted an enthusiastic strain of devotion, which admitted of no observances, rites, or ceremonies, but placed all merit in a mysterious species of faith in inward vision, rapture, and ecstasy. The new sectaries seized with this spirit, were indefatigable in the propagation of their doctrine, and set at defiance all the anathemas

and punishments with which the Roman pontiff endeavored to overwhelm them.

That the civil power, however, might afford them protection against the ecclesiastical jurisdiction, the Lutherans advanced doctrines favorable in some respect to the temporal authority of sovereigns. They inveighed against the abuses of the court of Rome, with which men were at that time generally discontented; and they exhorted princes to reinstate themselves in those powers, of which the encroaching spirit of the ecclesiastics, especially of the sovereign pontiff, had so long bereaved them. They condemned celibacy and monastic vows, and thereby opened the doors of the convents to those who were either tired of the obedience and chastity, or disgusted with the license, in which they had hitherto lived. They blamed the excessive riches, the idleness, the libertinism of the clergy; and pointed out their treasures and revenues as lawful spoil to the first invader. And as the ecclesiastics had hitherto conducted a willing and a stupid audience, and were totally unacquainted with controversy, much more with every species of true literature, they were unable to defend themselves against men armed with authorities, quotations, and popular topics, and qualified to triumph in every altercation or debate. Such were the advantages with which the reformers began their attack on the Romish hierarchy; and such were the causes of their rapid and astonishing success.

Leo X., whose oversights and too supine trust in the profound ignorance of the people had given rise to this sect, but whose sound judgment, moderation, and temper, were well qualified to retard its progress, died in the flower of his age, a little after he received the king's book against Luther, and he was succeeded in the papal chair by Adrian, a Fleming, who had been tutor to the emperor Charles. This man was fitted to gain on the reformers by the integrity, candor, and simplicity of manners which distinguished his character but, so violent were their prejudices against the church, he rather hurt the cause by his imprudent exercise of those virtues. He frankly confessed, that many abominable and detestable practices prevailed in the court of Rome; and by this sincere avowal, he gave occasion of much triumph to the Lutherans. This pontiff also, whose penetration was not equal to his good intentions, was seduced to concur in that league which Charles and Henry had formed against

France;<sup>9</sup> and he thereby augmented the scandal occasioned by the practice of so many preceding popes, who still made their spiritual arms subservient to political purposes.

The emperor, who knew that Wolsey had received a disappointment in <sup>1522</sup> his ambitious hopes by the election of Adrian, and who dreaded the resentment of that haughty minister, was solicitous to repair the breach made in their friendship by this incident. He paid another visit to England; and besides flattering the vanity of the king and the cardinal, he renewed to Wolsey all the promises which he had made him of seconding his pretensions to the papal throne. Wolsey, sensible that Adrian's great age and infirmities promised a speedy vacancy, dissembled his resentment, and was willing to hope for a more prosperous issue to the next election. The emperor renewed the treaty made at Bruges, to which some articles were added; and he agreed to indemnify both the king and Wolsey for the revenue which they should lose by a breach with France. The more to ingratiate himself with Henry and the English nation, he gave to Surrey, admiral of England, a commission for being admiral of his dominions; and he himself was installed knight of the garter at London. After a stay of six weeks in England, he embarked at Southampton, and in ten days arrived in Spain, where he soon pacified the tumults which had arisen in his absence.<sup>10</sup>

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<sup>9</sup> Guicciard. lib. xiv.

<sup>10</sup> Petrus de Angleria, epist. 765.

The king declared war against France; and this measure was founded on so little reason, that he could allege nothing as a ground of quarrel, but Francis's refusal to submit to his arbitration, and his sending Albany into Scotland. This last step had not been taken by the French king, till he was quite assured of Henry's resolution to attack him. Surrey landed some troops at Cherbourg, in Normandy; and after laying waste the country, he sailed to Morlaix, a rich town in Brittany, which he took and plundered. The English merchants had great property in that place, which was no more spared by the soldiers than the goods of the French. Surrey then left

the charge of the fleet to the vice-admiral; and sailed to Calais, where he took the command of the English army destined for the invasion of France. This army, when joined by forces from the Low Countries, under the command of the count de Buren, amounted in the whole to eighteen thousand men.

The French had made it a maxim, in almost all their wars with the English since the reign of Charles V., never, without great necessity, to hazard a general engagement; and the duke of Vendôme, who commanded the French army, now embraced this wise policy. He supplied the towns most exposed, especially Boulogne, Montreuil, Terouenne, Hedin with strong garrisons and plenty of provisions: he himself took post at Abbeville, with some Swiss and French infantry, and a body of cavalry: the count of Guise encamped under Montreuil with six thousand men. These two bodies were in a situation to join upon occasion; to throw supply into any town that was threatened; and to harass the English in every movement. Surrey, who was not provided with magazines, first divided his troops for the convenience of subsisting them; but finding that his quarters were every moment beaten up by the activity of the French generals, he drew together his forces, and laid siege to Hedin. But neither did he succeed in this enterprise. The garrison made vigorous sallies upon his army: the French forces assaulted him from without: great rains fell: fatigue and bad weather threw the soldiers into dysenteries: and Surrey was obliged to raise the siege, and put his troops into winter quarters about the end of October. His rear guard was attacked at Pas, in Artois, and five or six hundred men were cut off; nor could all his efforts make him master of one place within the French frontier.

The allies were more successful in Italy. Lautrec, who commanded the French, lost a great battle at Bicocca, near Milan; and was obliged to retire with the remains of his army. This misfortune, which proceeded from Francis's negligence in not supplying Lautrec with money,<sup>11</sup> was followed by the loss of Genoa. The castle of Cremona was the sole fortress in Italy which remained in the hands of the French.

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<sup>11</sup> Guicciard. lib. xiv.

Europe was now in such a situation, and so connected by different alliances and interests, that it was almost impossible for war to be kindled in one part, and not diffuse itself throughout the whole; but of all the leagues among kingdoms the closest was that which had so long subsisted between France and Scotland; and the English, while at war with the former nation, could not hope to remain long unmolested on the northern frontier. No sooner had Albany arrived in Scotland, than he took measures for kindling a war with England; and he summoned the whole force of the kingdom to meet in the fields of Rosline.<sup>12</sup> He thence conducted the army southwards into Annandale, and prepared to pass the borders at Solway Frith. But many of the nobility were disgusted with the regent's administration; and observing that his connections with Scotland were feeble in comparison of those which he maintained with France, they murmured that for the sake of foreign interests, their peace should so often be disturbed and war, during their king's minority, be wantonly entered into with a neighboring nation, so much superior in force and riches. The Gordons, in particular, refused to advance any farther; and Albany, observing a general discontent to prevail was obliged to conclude a truce with Lord Dacres, warden of the English west marches. Soon after he departed for France; and lest the opposite faction should gather force in his absence, he sent thither before him the earl of Angus, husband to the queen dowager.

Next year, Henry, that he might take advantage of the regent's absence, <sup>1523</sup>. marched an army into Scotland under the command of Surrey, who ravaged the Merse and Teviotdale without opposition, and burned the town of Jedburgh. The Scots had neither king nor regent to conduct them: the two Humes had been put to death: Angus was in a manner banished: no nobleman of vigor or authority remained, who was qualified to assume the government: and the English monarch, who knew the distressed situation of the country, determined to push them to extremity, in hopes of engaging them, by the sense of their present weakness, to make a solemn renunciation of the French alliance, and to embrace that of England.<sup>13</sup> He even gave them hopes of contracting a marriage between the lady Mary, heiress of England, and their young monarch; an expedient which would forever unite the two kingdoms:<sup>14</sup> and the queen dowager, with her whole

party, recommended every where the advantages of this alliance, and of a confederacy with Henry.

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<sup>12</sup>..... Buchanan, lib. xiv. Drummond. Pitscottie.

<sup>13</sup>..... Buchanan, lib. xiv. Herbert.

<sup>14</sup>..... Le Grand, vol. iii. p. 39.

They said that the interests of Scotland had too long been sacrificed to those of the French nation, who, whenever they found themselves reduced to difficulties, called for the assistance of their allies; but were ready to abandon them as soon as they found their advantage in making peace with England: that where a small state entered into so close a confederacy with a greater, it must always expect this treatment, as a consequence of the unequal alliance; but there were peculiar circumstances in the situation of the kingdoms, which, in the present case, rendered it inevitable: that France was so distant, and so divided from them by sea, that she scarcely could, by any means, and never could in time, send succors to the Scots, sufficient to protect them against ravages from the neighboring kingdom: that nature had, in a manner, formed an alliance between the two British nations; having enclosed them in the same island; given them the same manners, language, laws, and form of government; and prepared every thing for an intimate union between them: and that, if national antipathies were abolished, which would soon be the effect of peace, these two kingdoms, secured by the ocean and by their domestic force, could set at defiance all foreign enemies, and remain forever safe and unmolested.

The partisans of the French alliance, on the other hand, said, that the very reasons which were urged in favor of a league with England, the vicinity of the kingdom and its superior force, were the real causes why a sincere and durable confederacy could never be formed with that hostile nation: that among neighboring states occasions of quarrel were frequent, and the more powerful would be sure to seize every frivolous pretence for oppressing the weaker, and reducing it to subjection: that as the near neighborhood of France and England had kindled a war almost perpetual between them, it was the interest of the Scots, if they wished to maintain

their independence, to preserve their league with the former kingdom, which balanced the force of the latter: that if they deserted that old and salutary alliance on which their importance in Europe chiefly depended, their ancient enemies, stimulated both by interest and by passion, would soon invade them with superior force, and bereave them of all their liberties: or if they delayed the attack, the insidious peace, by making the Scots forget the use of arms, would only prepare the way for a slavery more certain and more ir retrievable.<sup>15</sup>

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<sup>15</sup> Buchanan, lib. xiv.

The arguments employed by the French party, being seconded by the natural prejudices of the people, seemed most prevalent: and when the regent himself, who had been long detained beyond his appointed time by the danger from the English fleet, at last appeared among them, he was able to throw the balance entirely on that side. By authority of the convention of states, he assembled an army, with a view of avenging the ravages committed by the English in the beginning of the campaign; and he led them southwards towards the borders. But when they were passing the Tweed at the bridge of Melross, the English party raised again such opposition, that Albany thought proper to make a retreat. He marched downwards, along the banks of the Tweed, keeping that river on his right; and fixed his camp opposite to Werkcastle, which Surrey had lately repaired. He sent over some troops to besiege this fortress, who made a breach in it, and stormed some of the outworks: but the regent, hearing of the approach of an English army, and discouraged by the advanced season, thought proper to disband his forces and retire to Edinburgh. Soon after, he went over to France, and never again returned to Scotland. The Scottish nation, agitated by their domestic factions, were not, during several years, in a condition to give any more disturbance to England; and Henry had full leisure to prosecute his designs on the continent.

The reason why the war against France proceeded so slowly on the part of England, was the want of money. All the treasures of Henry VII. were long ago dissipated; the king's habits of expense still remained; and his revenues were unequal even to the ordinary charge of government,

much more to his military enterprises. He had last year caused a general survey to be made of the kingdom; the numbers of men, their years, profession, stock, revenue;<sup>16</sup> and expressed great satisfaction on finding the nation so opulent. He then issued privy seals to the most wealthy, demanding loans of particular sums: this act of power, though somewhat irregular and tyrannical, had been formerly practised by kings of England; and the people were now familiarized to it. But Henry, this year, carried his authority much further. He published an edict for a general tax upon his subjects, which he still called a loan; and he levied five shillings in the pound upon the clergy, two shillings upon the laity. This pretended loan, as being more regular, was really more dangerous to the liberties of the people, and was a precedent for the king's imposing taxes without consent of parliament.

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<sup>16</sup> Herbert. Stowe, p. 514.

Henry soon after summoned a parliament, together with a convocation; and found neither of them in a disposition to complain of the infringement of their privileges. It was only doubted how far they would carry their liberality to the king. Wolsey, who had undertaken the management of the affair, began with the convocation, in hopes that their example would influence the parliament to grant a large supply. He demanded a moiety of the ecclesiastical revenues to be levied in five years, or two shillings in the pound during that time; and though he met with opposition, he reprimanded the refractory members in such severe terms, that his request was at last complied with. The cardinal afterwards, attended by several of the nobility and prelates, came to the house of commons; and in a long and elaborate speech laid before them the public necessities, the danger of an invasion from Scotland, the affronts received from France, the league in which the king was engaged with the pope and the emperor; and he demanded a grant of eight hundred thousand pounds, divided into four yearly payments; a sum computed, from the late survey or valuation, to be equal to four shillings in the pound of one year's revenue, or one shilling in the pound yearly, according to the division proposed.<sup>17</sup> So large a grant was unusual from the commons; and though the cardinal's demand was



seconded by Sir Thomas More the speaker, and several other members attached to the court, the house could not be prevailed with to comply.<sup>18</sup>

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<sup>17</sup> This survey or valuation is liable to much suspicion, as fixing the rents a great deal too high; unless the sum comprehend the revenues of all kinds, industry as well as land and money.

<sup>18</sup> Herbert. Stowe, p. 518. Parl. Hist. Strype, vol. i. p. 49, 59.

They only voted two shillings in the pound on all who enjoyed twenty pounds a year and upwards; one shilling on all who possessed between twenty pounds and forty shillings a year; and on the other subjects above sixteen years of age, a groat a head. This last sum was divided into two yearly payments; the former into four, and was not therefore at the utmost above sixpence in the pound. The grant of the commons was but the moiety of the sum demanded; and the cardinal, therefore, much mortified with the disappointment, came again to the house, and desired to reason with such as refused to comply with the king's request. He was told that it was a rule of the house never to reason but among themselves; and his desire was rejected. The commons, however, enlarged a little their former grant, and voted an imposition of three shillings in the pound on all possessed of fifty pounds a year and upwards.<sup>19</sup> The proceedings of this house of commons evidently discover the humor of the times: they were extremely tenacious of their money, and refused a demand of the crown which was far from being unreasonable; but they allowed an encroachment on national privileges to pass uncensured, though its direct tendency was to subvert entirely the liberties of the people. The king was so dissatisfied with this saving disposition of the commons, that, as he had not called a parliament during seven years before, he allowed seven more to elapse before he summoned another. And on pretence of necessity, he levied in one year, from all who were worth forty pounds, what the parliament had granted him payable in four years;<sup>20</sup> a new invasion of national privileges. These irregularities were commonly ascribed to the cardinal's counsels, who, trusting to the protection afforded him by his

ecclesiastical character, was the less scrupulous in his encroachment on the civil rights of the nation.

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<sup>19</sup>..... It is said, that when Henry heard that the commons made a great difficulty of granting the required supply, he was so provoked that he sent for Edward Montague, one of the members, who had a considerable influence on the house; and he being introduced to his majesty, had the mortification to hear him speak in these words: "Ho! man: will they not suffer my bill to pass?" And laying his hand on Montague's head, who was then on his knees before him, "Get my bill passed by to-morrow, or else to-morrow this head of yours shall be off." This cavalier manner of Henry succeeded; for next day the bill passed. Collins's British Peerage. Grove's Life of Wolsey. We are told by Hall, (fol. 38,) that Cardinal Wolsey endeavored to terrify the citizens of London into the general loan exacted in 1525, and told them plainly, that "it were better that some should suffer indigence than that the king at this time should lack and therefore beware and resist not, nor ruffle not in this case, for it may fortune to cost some people their heads." Such was the style employed by this king and his ministers.]

<sup>20</sup>..... Speed. Hall. Herbert.

That ambitious prelate received this year a new disappointment in his aspiring views. The pope, Adrian VI., died; and Clement VII., of the family of Medicis, was elected in his place, by the concurrence of the imperial party. Wolsey could not perceive the insincerity of the emperor, and he concluded that that prince would never second his pretensions to the papal chair. As he highly resented this injury, he began thenceforth to estrange himself from the imperial court, and to pave the way for a union between his master and the French king. Meanwhile he concealed his disgust; and after congratulating the new pope on his promotion, applied for a continuation of the legatine powers which the two former popes had conferred upon him. Clement, knowing the importance of gaining his friendship, granted him a commission for life; and, by this unusual concession, he in a manner transferred to him the whole papal authority in England. In some particulars Wolsey made a good use of this extensive power. He erected two colleges, one at Oxford, another at Ipswich, the place of his nativity: he sought all over Europe for learned men to supply the chairs of these colleges; and in order to bestow endowments on them,

he suppressed some smaller monasteries, and distributed the monks into other convents. The execution of this project became the less difficult for him, because the Romish church began to perceive, that she overabounded in monks, and that she wanted some supply of learning, in order to oppose the inquisitive, or rather disputative humor of the reformers.

The confederacy against France seemed more formidable than ever, on the opening of the campaign.<sup>21</sup> Adrian before his death had renewed the league with Charles and Henry. The Venetians had been induced to desert the French alliance, and to form engagements for securing Francis Sforza, brother to Maximilian, in possession of the Milanese. The Florentines, the dukes of Ferrara and Mantua, and all the powers of Italy, combined in the same measure. The emperor in person menaced France with a powerful invasion on the side of Guienne: the forces of England and the Netherlands hovered over Picardy: a numerous body of Germans were preparing to ravage Burgundy: but all these perils from foreign enemies were less threatening than a domestic conspiracy, which had been formed, and which was now come to full maturity, against the French monarch.

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<sup>21</sup> Guicciard. lib. xiv.

Charles, duke of Bourbon, constable of France, was a prince of the most shining merit; and, besides distinguishing himself in many military enterprises, he was adorned with every accomplishment which became a person of his high station. His virtues, embellished with the graces of youth, had made such impression on Louise of Savoy, Francis's mother, that, without regard to the inequality of their years, she made him proposals of marriage; and meeting with a repulse, she formed schemes of unrelenting vengeance against him. She was a woman false, deceitful, vindictive, malicious; but, unhappily for France, had, by her capacity, which was considerable, acquired an absolute ascendant over her son. By her instigation, Francis put many affronts on the constable, which it was difficult for a gallant spirit to endure; and at last he permitted Louise to prosecute a lawsuit against him, by which, on the most frivolous pretences, he was deprived of his ample possessions; and inevitable ruin was brought upon him.

Bourbon, provoked at all these indignities, and thinking that, if any injuries could justify a man in rebelling against his prince and country, he must stand acquitted, had entered into a secret correspondence with the emperor and the king of England.<sup>22</sup> Francis, pertinacious in his purpose of recovering the Milanese, had intended to lead his army in person into Italy; and Bourbon, who feigned sickness in order to have a pretence for staying behind, purposed, as soon as the king should have passed the Alps, to raise an insurrection among his numerous vassals, by whom he was extremely beloved, and to introduce foreign enemies into the heart of the kingdom. Francis got intimation of his design; but as he was not expeditious enough in securing so dangerous a foe, the constable made his escape;<sup>23</sup> and entering into the emperor's service, employed all the force of his enterprising spirit, and his great talents for war, to the prejudice of his native country.

The king of England, desirous that Francis should undertake his Italian expedition, did not openly threaten Picardy this year with an invasion; and it was late before the duke of Suffolk, who commanded the English forces, passed over to Calais. He was attended by the lords Montacute, Herbert, Ferrars, Morney, Sandys, Berkeley, Powis, and many other noblemen and gentlemen.<sup>24</sup>

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<sup>22</sup> Mémoires du Bellai, liv. ii.

<sup>23</sup> Belcarius, lib. xvii.

<sup>24</sup> Herbert.

The English army, reënforced by some troops drawn from the garrison of Calais, amounted to about twelve thousand men; and having joined an equal number of Flemings under the count de Buren, they prepared for an invasion of France. The siege of Boulogne was first proposed; but that enterprise appearing difficult, it was thought more advisable to leave this town behind them. The frontier of Picardy was very ill provided with troops; and the only defence of that province was the activity of the French officers, who infested the allied army in their march, and threw garrisons, with great expedition, into every town which was threatened by them.

After coasting the Somme, and passing Hedin, Montreuil, Dourlens, the English and Flemings presented themselves before Bray, a place of small force, which commanded a bridge over that river. Here they were resolved to pass, and, if possible, to take up winter quarters in France; but Crequi threw himself into the town and seemed resolute to defend it. The allies attacked him with vigor and success; and when he retreated over the bridge, they pursued him so hotly, that they allowed him not time to break it down, but passed it along with him, and totally routed his army. They next advanced to Montdidier, which they besieged, and took by capitulation. Meeting with no opposition, they proceeded to the River Oise, within eleven leagues of Paris, and threw that city into great consternation; till the duke of Vendôme hastened with some forces to its relief. The confederates, afraid of being surrounded, and of being reduced to extremities during so advanced a season, thought proper to retreat. Montdidier was abandoned; and the English and Flemings, without effecting any thing, retired into their respective countries.

France defended herself from the other invasions with equal facility and equal good fortune. Twelve thousand Lansquenets broke into Burgundy under the command of the count of Furstenberg. The count of Guise, who defended that frontier, had nothing to oppose to them but some militia, and about nine hundred heavy-armed cavalry. He threw the militia into the garrison towns; and with his cavalry he kept the field, and so harassed the Germans, that they were glad to make their retreat into Lorraine. Guise attacked them as they passed the Meuse, put them into disorder, and cut off the greater part of their rear.

The emperor made great preparations on the side of Navarre; and though that frontier was well guarded by nature, it seemed now exposed to danger from the powerful invasion which threatened it. Charles besieged Fontarabia, which a few years before had fallen into Francis's hands; and when he had drawn thither Lautrec, the French general, he of a sudden raised the siege, and sat down before Bayonne. Lautrec, aware of that stratagem, made a sudden march, and threw himself into Bayonne, which he defended with such vigor and courage, that the Spaniards were constrained to raise the siege. The emperor would have been totally unfortunate on this side, had he not turned back upon Fontarabia, and,

contrary to the advice of all his generals, sitten down in the winter season before that city, well fortified and strongly garrisoned. The cowardice or misconduct of the governor saved him from the shame of a new disappointment. The place was surrendered in a few days; and the emperor, having finished this enterprize, put his troops into winter quarters.

So obstinate was Francis in prosecuting his Italian expedition, that, notwithstanding these numerous invasions with which his kingdom was menaced on every side, he had determined to lead in person a powerful army to the conquest of Milan. The intelligence of Bourbon's conspiracy and escape stopped him at Lyons; and fearing some insurrection in the kingdom from the intrigues of a man so powerful and so much beloved, he thought it prudent to remain in France and to send forward his army under the command of Admiral Bonnavet. The duchy of Milan had been purposely left in a condition somewhat defenceless, with a view of alluring Francis to attack it, and thereby facilitating the enterprizes of Bourbon; and no sooner had Bonnavet passed the Tesin, than the army of the league, and even Prosper Colonna, who commanded it, a prudent general, were in the utmost confusion. It is agreed, that if Bonnavet had immediately advanced to Milan, that great city, on which the whole duchy depends, would have opened its gates without resistance: but as he wasted his time in frivolous enterprizes, Colonna had opportunity to reënforce the garrison, and to put the place in a posture of defence. Bonnavet was now obliged to attempt reducing the city by blockade and famine; and he took possession of all the posts which commanded the passages to it. But the army of the league, meanwhile, was not inactive; and they so straitened and harassed the quarters of the French, that it seemed more likely the latter should themselves perish by famine, than reduce the city to that extremity.

Sickness, and fatigue, and want had wasted them to such a degree, that <sup>1524</sup> they were ready to raise the blockade; and their only hopes consisted in a great body of Swiss, which was levied for the service of the French king, and whose arrival was every day expected. But these mountaineers no sooner came within sight of the French camp, than they stopped, from a sudden caprice and resentment; and instead of joining Bonnavet, they sent

orders to a great body of their countrymen, who then served under him, immediately to begin their march, and to return home in their company.<sup>25</sup> After this desertion of the Swiss, Bonnivet had no other choice but that of making his retreat as fast as possible into France.

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<sup>25</sup> Guicciard. lib. xv. Mémoires de Bellai, liv. ii.

The French being thus expelled Italy, the pope, the Venetians, the Florentines, were satisfied with the advantage obtained over them, and were resolved to prosecute their victory no further. All these powers, especially Clement, had entertained a violent jealousy of the emperor's ambition; and their suspicions were extremely augmented when they saw him refuse the investiture of Milan, a fief of the empire, to Francis Sforza, whose title he had acknowledged, and whose defence he had embraced.<sup>26</sup> They all concluded, that he intended to put himself in possession of that important duchy, and reduce Italy to subjection: Clement in particular, actuated by this jealousy, proceeded so far in opposition to the emperor, that he sent orders to his nuncio at London to mediate a reconciliation between France and England. But affairs were not yet fully ripe for this change. Wolsey, disgusted with the emperor, but still more actuated by vain-glory, was determined that he himself should have the renown of bringing about that great alteration; and he engaged the king to reject the pope's mediation.

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<sup>26</sup> Guicciard. lib. xv.

A new treaty was even concluded between Henry and Charles for the invasion of France. Charles stipulated to supply the Duke of Bourbon with a powerful army, in order to conquer Provence and Dauphiny: Henry agreed to pay him a hundred thousand crowns for the first month; after which he might either choose to continue the same monthly payments, or invade Picardy with a powerful army. Bourbon was to possess these provinces with the title of king; but to hold them in fee of Henry as king of France. The duchy of Burgundy was to be given to Charles; the rest of the

kingdom to Henry. This chimerical partition immediately failed of execution in the article which was most easily performed: Bourbon refused to acknowledge Henry as king of France. His enterprise, however, against Provence still took place. A numerous army of imperialists invaded that country, under his command and that of the marquis of Pescara. They laid siege to Marseilles, which, being weakly garrisoned, they expected to reduce in a little time; but the citizens defended themselves with such valor and obstinacy, that Bourbon and Pescara, who heard of the French king's approach with a numerous army, found themselves under the necessity of raising the siege; and they led their forces, weakened, baffled, and disheartened, into Italy.

Francis might now have enjoyed in safety the glory of repulsing all his enemies, in every attempt which they had hitherto made for invading his kingdom; but as he received intelligence that the king of England, discouraged by his former fruitless enterprises, and disgusted with the emperor, was making no preparations for any attempt on Picardy, his ancient ardor seized him for the conquest of Milan; and notwithstanding the advanced season, he was immediately determined, contrary to the advice of his wisest counsellors, to lead his army into Italy.

He passed the Alps at Mount Cenis, and no sooner appeared in Piedmont than he threw the whole Milanese into consternation. The forces of the emperor and Sforza retired to Lodi; and had Francis been so fortunate as to pursue them, they had abandoned that place, and had been totally dispersed;<sup>27</sup>..... but his ill fate led him to besiege Pavia, a town of considerable strength, well garrisoned, and defended by Leyva, one of the bravest officers in the Spanish service. Every attempt which the French king made to gain this important place proved fruitless. He battered the walls and made breaches; but, by the vigilance of Leyva, new retrenchments were instantly thrown up behind the breaches: he attempted to divert the course of the Tesin, which ran by one side of the city and defended it; but an inundation of the river destroyed in one night all the mounds which the soldiers during a long time, and with infinite labor, had been erecting.

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<sup>27</sup> Guicciard. lib. xv. Du Bellai, lib. ii.



Fatigue and the bad season (for it was the depth of winter) had <sup>1525</sup> wasted the French army. The imperial generals meanwhile were not inactive. Pescara, and Lannoy, viceroy of Naples, assembled forces from all quarters. Bourbon, having pawned his jewels, went into Germany, and with the money, aided by his personal interest, levied a body of twelve thousand Lansquenets, with which he joined the imperialists. This whole army advanced to raise the siege of Pavia; and the danger to the French became every day more imminent.

The state of Europe was such during that age, that, partly from the want of commerce and industry every where, except in Italy and the Low Countries, partly from the extensive privileges still possessed by the people in all the great monarchies and their frugal maxims in granting money, the revenues of the princes were extremely narrow, and even the small armies which they kept on foot could not be regularly paid by them. The imperial forces, commanded by Bourbon, Pescara, and Lannoy, exceeded not twenty thousand men; they were the only body of troops maintained by the emperor, (for he had not been able to levy any army for the invasion of France, either on the side of Spain or Flanders.) Yet so poor was that mighty monarch, that he could transmit no money for the payment of this army; and it was chiefly the hopes of sharing the plunder of the French camp which had made them advance and kept them to their standards. Had Francis raised the siege before their approach, and retired to Milan, they must immediately have disbanded; and he had obtained a complete victory without danger or bloodshed. But it was the character of this monarch to become obstinate in proportion to the difficulties which he encountered; and having once said, that he would take Pavia or perish before it, he was resolved rather to endure the utmost extremities than depart from this resolution.

The imperial generals, after cannonading the French camp for several days, at last made a general assault, and broke into the intrenchments. Leyva sallied from the town, and increased the confusion among the besiegers. The Swiss infantry, contrary to their usual practice, behaved in a dastardly manner, and deserted their post. Francis's forces were put to rout; and he himself, surrounded by his enemies, after fighting with heroic

valor, and killing seven men with his own hand, was at last obliged to surrender himself prisoner. All most the whole army, full of nobility and brave officers, either perished by the sword or were drowned in the river. The few who escaped with their lives fell into the hands of the enemy.

The emperor received this news by Pennalosa, who passed through France by means of a safe-conduct granted him by the captive king. The moderation which he displayed on this occasion, had it been sincere, would have done him honor. Instead of rejoicing, he expressed sympathy with Francis's ill fortune, and discovered his sense of those calamities to which the greatest monarchs are exposed.<sup>28</sup> He refused the city of Madrid permission to make any public expressions of triumph; and said that he reserved all his exultation till he should be able to obtain some victory over the infidels. He sent orders to his frontier garrisons to commit no hostilities upon France.

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<sup>28</sup> Vera. Hist. de Carl. V.

He spoke of concluding immediately a peace on reasonable terms. But all this seeming moderation was only hypocrisy, so much the more dangerous as it was profound. And he was wholly occupied in forming schemes how, from this great incident, he might draw the utmost advantage, and gratify that exorbitant ambition by which, in all his actions, he was ever governed.

The same Pennalosa, in passing through France, carried also a letter from Francis to his mother, whom he had left regent, and who then resided at Lyons. It contained only these few words: "Madam, all is lost, except our honor." The princess was struck with the greatness of the calamity. She saw the kingdom without a sovereign, without an army, without generals, without money; surrounded on every side by implacable and victorious enemies; and her chief resource, in her present distresses, were the hopes which she entertained of peace and even of assistance from the king of England.

Had the king entered into the war against France from any concerted political views, it is evident that the victory of Pavia and the captivity of Francis were the most fortunate incidents that could have befallen him,

and the only ones that could render his schemes effectual. While the war was carried on in the former feeble manner, without any decisive advantage, he might have been able to possess himself of some frontier town, or perhaps of a small territory, of which he could not have kept possession without expending much more than its value. By some signal calamity alone, which annihilated the power of France, could he hope to acquire the dominion of considerable provinces, or dismember that great monarchy, so affectionate to its own government and its own sovereigns. But as it is probable that Henry had never before carried his reflections so far, he was startled at this important event, and became sensible of his own danger, as well as that of all Europe, from the loss of a proper counterpoise to the power of Charles. Instead of taking advantage, therefore, of the distressed condition of Francis, he was determined to lend him assistance in his present calamities; and as the glory of generosity in raising a fallen enemy concurred with his political interests, he hesitated the less in embracing these new measures.

Some disgusts also had previously taken place between Charles and Henry, and still more between Charles and Wolsey; and that powerful minister waited only for a favorable opportunity of revenging the disappointments which he had met with. The behavior of Charles, immediately after the victory of Pavia, gave him occasion to revive the king's jealousy and suspicions. The emperor so ill supported the appearance of moderation which he at first assumed, that he had already changed his usual style to Henry; and instead of writing to him with his own hand, and subscribing himself "Your affectionate son and cousin," he dictated his letters to a secretary, and simply subscribed himself "Charles."<sup>29</sup>..... Wolsey also perceived a diminution in the caresses and professions with which the emperor's letters to him were formerly loaded; and this last imprudence, proceeding from the intoxication of success, was probably more dangerous to Charles's interests than the other.

Henry, though immediately determined to embrace new measures, was careful to save appearances in the change; and he caused rejoicings to be every where made on account of the victory of Pavia and the captivity of Francis. He publicly dismissed a French envoy, whom he had formerly allowed, notwithstanding the war, to reside at London;<sup>30</sup>..... but upon the

regent of France's submissive applications to him, he again opened a correspondence with her; and besides assuring her of his friendship and protection, he exacted a promise that she never would consent to the dismembering of any province from the monarchy for her son's ransom. With the emperor, however, he put on the appearance of vigor and enterprise; and in order to have a pretence for breaking with him, he despatched Tonstal, bishop of London, to Madrid with proposals for a powerful invasion of France. He required that Charles should immediately enter Guienne at the head of a great army, in order to put him in possession of that province; and he demanded the payments of large sums of money which that prince had borrowed from him in his last visit at London. He knew that the emperor was in no condition of fulfilling either of these demands; and that he had as little inclination to make him master of such considerable territories upon the frontiers of Spain.

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<sup>29</sup> Guicciard. lib. xvi.

<sup>30</sup> Du Bellai, liv. iii Stowe, p. 221. Baker, p. 273.

Tonstal, likewise, after his arrival at Madrid, informed his master that Charles, on his part, urged several complaints against England; and in particular was displeased with Henry, because last year he had neither continued his monthly payments to Bourbon nor invaded Picardy, according to his stipulations. Tonstal added, that instead of expressing an intention to espouse Mary when she should be of age, the emperor had hearkened to proposals for marrying his niece Isabella, princess of Portugal; and that he had entered into a separate treaty with Francis, and seemed determined to reap alone all the advantages of the success with which fortune had crowned his arms.

The king, influenced by all these motives, concluded at Moore his alliance with the regent of France, and engaged to procure her son his liberty on reasonable conditions;<sup>31</sup> the regent also, in another treaty, acknowledged the kingdom Henry's debtor for one million eight hundred thousand crowns to be discharged in half-yearly payments of fifty thousand crowns; after which Henry was to receive, during life, a yearly

pension of a hundred thousand. A large present of a hundred thousand crowns was also made to Wolsey for his good offices, but covered under the pretence of arrears due on the pension granted him for relinquishing the administration of Tournay.

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<sup>31</sup> Du Tillet, Recueil des Traités de Leonard, tom. ii. Herbert.

Meanwhile Henry, foreseeing that this treaty with France might involve him in a war with the emperor, was also determined to fill his treasury by impositions upon his own subjects; and as the parliament had discovered some reluctance in complying with his demands, he followed, as is believed, the counsel of Wolsey, and resolved to make use of his prerogative alone for that purpose. He issued commissions to all the counties of England, for levying four shillings in the pound upon the clergy, three shillings and fourpence upon the laity; and so uncontrollable did he deem his authority, that he took no care to cover, as formerly, this arbitrary exaction, even under the slender pretence of a loan. But he soon found that he had presumed too far on the passive submission of his subjects. The people, displeased with an exaction beyond what was usually levied in those days, and further disgusted with the illegal method of imposing it, broke out in murmurs, complaints, opposition to the commissioners; and their refractory disposition threatened a general insurrection. Henry had the prudence to stop short in that dangerous path into which he had entered. He sent letters to all the counties, declaring that he meant no force by this last imposition, and that he would take nothing from his subjects but by way of "benevolence." He flattered himself, that his condescension in employing that disguise would satisfy the people, and that no one would dare to render himself obnoxious to royal authority, by refusing any payment required of him in this manner. But the spirit of opposition, once roused, could not so easily be quieted at pleasure. A lawyer in the city objecting the statute of Richard III., by which benevolences were forever abolished, it was replied by the court, that Richard being a usurper, and his parliament a factious assembly, his statutes could not bind a lawful and absolute monarch, who held his crown

by hereditary right, and needed not to court the favor of a licentious populace.<sup>32</sup>.....

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<sup>32</sup>..... Herbert Hall.

The judges even went so far as to affirm positively, that the king might exact by commission any sum he pleased; and the privy council gave a ready assent to this decree, which annihilated the most valuable privilege of the people, and rendered all their other privileges precarious. Armed with such formidable authority of royal prerogative and a pretence of law, Wolsey sent for the mayor of London, and desired to know what he was willing to give for the supply of his majesty's necessities. The mayor seemed desirous, before he should declare himself, to consult the common council; but the cardinal required that he and all the aldermen should separately confer with himself about the benevolence; and he eluded by that means the danger of a formed opposition. Matters, however, went not so smoothly in the country. An insurrection was begun in some places; but as the people were not headed by any considerable person, it was easy for the duke of Suffolk, and the earl of Surrey, now duke of Norfolk, by employing persuasion and authority, to induce the ringleaders to lay down their arms and surrender themselves prisoners. The king, finding it dangerous to punish criminals engaged in so popular a cause, was determined, notwithstanding his violent, imperious temper, to grant them a general pardon; and he prudently imputed their guilt, not to their want of loyalty or affection, but to their poverty. The offenders were carried before the star chamber; where, after a severe charge brought against them by the king's council, the cardinal said, "that notwithstanding their grievous, offence, the king, in, consideration of their necessities, had granted them his gracious pardon, upon condition that they would find sureties for their future good behavior." But they, replying that they had no sureties, the cardinal first, and after him the duke of Norfolk, said that they would be bound for them. Upon which they were dismissed.<sup>33</sup>.....

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<sup>33</sup>..... Herbert. Hall. Stowe, p. 525. Holingshed, p. 891.

These arbitrary impositions being imputed, though on what grounds is unknown, to the counsels of the cardinal, increased the general odium under which he labored: and the clemency of the pardon, being ascribed to the king, was considered as an atonement on his part for the illegality of the measure. But Wolsey, supported both by royal and papal authority, proceeded without scruple to violate all ecclesiastical privileges, which, during that age, were much more sacred than civil; and having once prevailed in that unusual attempt of suppressing some monasteries, he kept all the rest in awe, and exercised over them an arbitrary jurisdiction. By his commission as legate he was empowered to visit them, and reform them, and chastise their irregularities; and he employed his usual agent, Allen, in the exercise of this authority. The religious houses were obliged to compound for their guilt, real or pretended, by paying large sums to the cardinal or his deputy; and this oppression was carried so far, that it reached at last the king's ears, which were not commonly open to complaints against his favorite. Wolsey had built a splendid palace at Hampton Court, which he probably intended, as well as that of York Place, in Westminster, for his own residence; but fearing the increase of envy on account of this magnificence, and desirous to appease the king, he made him a present of the building, and told him that, from the first, he had erected it for his use.

The absolute authority possessed by the king rendered his domestic government, both over his people and his ministers, easy and expeditious: the conduct of foreign affairs alone required effort and application; and they were now brought to such a situation, that it was no longer safe for England to remain entirely neutral. The feigned moderation of the emperor was of short duration; and it was soon obvious to all the world, that his great dominions, far from gratifying his ambition, were only regarded as the means of acquiring an more extensive. The terms which he demanded of his prisoner were such as must forever have annihilated the power of France, and destroyed the balance of Europe. These terms were proposed to Francis soon after the battle of Pavia, while he was detained in Pizzichitone; and as he had hitherto trusted somewhat to the emperor's generosity, the disappointment excited in his breast the most lively indignation. He said, that he would rather live and die a prisoner than

agree to dismember his kingdom; and that even were he so base as to submit to such conditions, his subjects would never permit him to carry them into execution.

Francis was encouraged to persist in demanding more moderate terms by the favorable accounts which he heard of Henry's disposition towards him, and of the alarm which had seized all the chief powers in Italy upon his defeat and captivity. He was uneasy, however, to be so far distant from the emperor, with whom he must treat; and he expressed his desire (which was complied with) to be removed to Madrid, in hopes that a personal interview would operate in his favor, and that Charles, if not influenced by his ministers, might be found possessed of the same frankness of disposition by which he himself was distinguished. He was soon convinced of his mistake. Partly from want of exercise, partly from reflections on his present melancholy situation, he fell into a languishing illness; which begat apprehensions in Charles, lest the death of his captive should bereave him of all those advantages which he purposed to extort from him. He then paid him a visit in the castle of Madrid; and as he approached the bed in which Francis lay, the sick monarch called to him, "You come, sir, to visit your prisoner." "No," replied the emperor, "I come to visit my brother and my friend, who shall soon obtain his liberty." He soothed his afflictions with many speeches of a like nature, which had so good an effect that the king daily recovered;<sup>34</sup> and thenceforth employed himself in concerting with the ministers of the emperor the terms of his treaty.

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<sup>34</sup>..... Herbert. Le Vera. Sandoval.

At last, the emperor, dreading a general combination against him, <sup>1526</sup>. was willing to abate somewhat of his rigor: and the treaty of Madrid was signed, by which, it was hoped an end would be finally put to the differences between these great monarchs. The principal condition was the restoring of Francis's liberty, and the delivery of his two eldest sons as hostages to the emperor for the cession of Burgundy. If any difficulty should afterwards occur in the execution of this last article, from the opposition of the states either of France or of that province, Francis



stipulated, that in six weeks' time, he should return to his prison, and remain there till the full performance of the treaty. There were many other articles in this famous convention, all of them extremely severe upon the captive monarch; and Charles discovered evidently his intention of reducing Italy, as well as France, to subjection and dependence.

Many of Charles's ministers foresaw that Francis, how solemn soever the oaths, promises, and protestations exacted of him, never would execute a treaty so disadvantageous, or rather ruinous and destructive, to himself, his posterity, and his country. By putting Burgundy, they thought, into the emperor's hands, he gave his powerful enemy an entrance into the heart of the kingdom: by sacrificing his allies in Italy, he deprived himself of foreign assistance; and, arming his oppressor with the whole force and wealth of that opulent country, rendered him absolutely irresistible. To these great views of interest were added the motives, no less cogent, of passion and resentment; while Francis, a prince who piqued himself on generosity, reflected on the rigor with which he had been treated during his captivity, and the severe terms which had been exacted of him for the recovery of his liberty. It was also foreseen, that the emulation and rivalry, which had so long subsisted between these two monarchs, would make him feel the strongest reluctance on yielding the superiority to an antagonist who, by the whole tenor of his conduct, he would be apt to think, had shown himself so little worthy of that advantage which fortune, and fortune alone, had put into his hands. His ministers, his friends, his subjects, his allies, would be sure with one voice to inculcate on him, that the first object of a prince was the preservation of his people; and that the laws of honor, which, with a private man, ought to be absolutely supreme, and superior to all interests, were, with a sovereign, subordinate to the great duty of insuring the safety of his country. Nor could it be imagined that Francis would be so romantic in his principles, as not to hearken to a casuistry which was so plausible in itself, and which so much flattered all the passions by which, either as a prince or a man, he was strongly actuated.

Francis, on entering his own dominions, delivered his two eldest sons as hostages into the hands of the Spaniards. He mounted a Turkish horse, and immediately putting him to the gallop, he waved his hand, and cried

aloud several times, "I am yet a king." He soon reached Bayonne, where he was joyfully received by the regent and his whole court. He immediately wrote to Henry; acknowledging that to his good offices alone he owed his liberty, and protesting that he should be entirely governed by his counsels in all transactions with the emperor. When the Spanish envoy demanded his ratification of the treaty of Madrid, now that he had fully recovered his liberty, he declined the proposal; under color that it was previously necessary to assemble the states both of France and of Burgundy, and to obtain their consent. The states of Burgundy soon met; and declaring against the clause which contained an engagement for alienating their province, they expressed their resolution of opposing, even by force of arms, the execution of so ruinous and unjust an article. The imperial minister then required that Francis, in conformity to the treaty of Madrid, should now return to his prison; but the French monarch, instead of complying, made public the treaty which a little before he had secretly concluded at Cognac, against the ambitious schemes and usurpations of the emperor.<sup>35</sup>

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<sup>35</sup> Guicciard. lib. xvii.

The pope, the Venetians, and other Italian states, who were deeply interested in these events, had been held in the most anxious suspense with regard to the resolutions which Francis should take after the recovery of his liberty; and Clement, in particular, who suspected that this prince would never execute a treaty so hurtful to his interests, and even destructive of his independency, had very frankly offered him a dispensation from all his oaths and engagements. Francis remained not in suspense; but entered immediately into the confederacy proposed to him. It was stipulated by that king, the pope, the Venetians, the Swiss, the Florentines, and the duke of Milan, among other articles, that they would oblige the emperor to deliver up the two young princes of France on receiving a reasonable sum of money; and to restore Milan to Sforza, without further condition or encumbrance.

The king of England was invited to accede, not only as a contracting party, but as protector of the "holy league,"—so it was called; and if Naples

should be conquered from the emperor, in prosecution of this confederacy, it was agreed that Henry should enjoy a principality in that kingdom of the yearly revenue of thirty thousand ducats; and that cardinal Wolsey, in consideration of the services which he had rendered to Christendom, should also, in such an event, be put in possession of a revenue of ten thousand ducats.

Francis was desirous that the appearance of this great confederacy should engage the emperor to relax somewhat in the extreme rigor of the treaty of Madrid; and while he entertained these hopes, he was the more remiss in his warlike preparations; nor did he send in due time reënforcements to his allies in Italy.

The duke of Bourbon had got possession of the whole Milanese, of <sup>1527</sup>. which the emperor intended to grant him the investiture; and having levied a considerable army in Germany, he became formidable to all the Italian potentates; and not the less so because Charles, destitute, as usual, of money, had not been able to remit any pay to the forces. The general was extremely beloved by his troops; and in order to prevent those mutinies which were ready to break out every moment, and which their affection alone for him had hitherto restrained, he led them to Rome, and promised to enrich them by the plunder of that opulent city. He was himself killed, as he was planting a scaling ladder against the walls; but his soldiers, rather enraged than discouraged by his death, mounted to the assault with the utmost valor, and entering the city sword in hand, exercised all those brutalities which may be expected from ferocity excited by resistance, and from insolence which takes place when that resistance is no more. This renowned city, exposed by her renown alone to so many calamities, never endured, in any age, even from the barbarians by whom she was often subdued, such indignities as she was now compelled to suffer. The unrestrained massacre and pillage, which continued for several days, were the least ills to which the unhappy Romans were exposed.<sup>36</sup>..... Whatever was respectable in modesty or sacred in religion, seemed but the more to provoke the insults of the soldiery. Virgins suffered violation in the arms of their parents, and upon those very altars to which they had fled for protection.

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<sup>36</sup>..... Guicciard. lib. xviii. Bellai. Stowe, p. 527.

Aged prelates, after enduring every indignity, and even every torture, were thrown into dungeons, and menaced with the most cruel death, in order to make them reveal their secret treasures, or purchase liberty by exorbitant ransoms. Clement himself, who had trusted for protection to the sacredness of his character, and neglected to make his escape in time, was taken captive; and found that his dignity, which procured him no regard from the Spanish soldiers, did but draw on him the insolent mockery of the German, who, being generally attached to the Lutheran principles, were pleased to gratify their animosity by the abasement of the sovereign pontiff.

When intelligence of this great event was conveyed to the emperor, that young prince, habituated to hypocrisy, expressed the most profound sorrow for the success of his arms: he put himself and all his court in mourning: he stopped the rejoicings for the birth of his son Philip: and knowing that every artifice, however gross, is able, when seconded by authority, to impose upon the people, he ordered prayers during several months to be put up in the churches for the pope's liberty; which all men knew a letter under his hand could in a moment have procured.

The concern expressed by Henry and Francis for the calamity of their ally was more sincere. These two monarchs, a few days before the sack of Rome, had concluded a treaty<sup>37</sup>..... at Westminster, in which, besides renewing former alliances, they agreed to send ambassadors to Charles, requiring him to accept of two millions of crowns as the ransom of the French princes, and to repay the money borrowed from Henry; and in case of refusal, the ambassadors, attended by heralds, were ordered to denounce war against him.

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<sup>37</sup>..... 30th April.

This war it was agreed to prosecute in the Low Countries, with an army of thirty thousand infantry and fifteen hundred men at arms, two thirds to be

supplied by Francis, the rest by Henry. And in order to strengthen the alliance between the princes, it was stipulated, that either Francis, or his son, the duke of Orleans, as should afterwards be agreed on, should espouse the princess Mary, Henry's daughter. No sooner did the monarchs receive intelligence of Bourbon's enterprise than they changed, by a new treaty, the scene of the projected war from the Netherlands to Italy; and hearing of the pope's captivity, they were further stimulated to undertake the war with vigor for restoring him to liberty. Wolsey himself crossed the sea, in order to have an interview with Francis and to concert measures for that purpose; and he displayed all that grandeur and magnificence with which he was so much intoxicated. He was attended by a train of a thousand horse. The cardinal of Lorraine, and the chancellor Alençon, met him at Boulogne; Francis himself, besides granting to that haughty prelate the power of giving, in every place where he came, liberty to all prisoners, made a journey as far as Amiens to meet him, and even advanced some miles from the town, the more to honor his reception. It was here stipulated, that the duke of Orleans should espouse the princess Mary; and as the emperor seemed to be taking some steps towards assembling a general council, the two monarchs agreed not to acknowledge it, but, during the interval of the pope's captivity, to govern the churches in their respective dominions by their own authority. Wolsey made some attempts to get his legatine power extended over France, and even over Germany; but finding his efforts fruitless, he was obliged, though with great reluctance, to desist from these ambitious enterprises.<sup>38</sup>

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<sup>38</sup> Burnet, book iii. coll. 12, 13.

The more to cement the union between these princes, a new treaty was some time after concluded at London; in which Henry agreed finally to renounce all claims to the crown of France; claims which might now indeed be deemed chimerical, but which often served as a pretence for exciting the unwary English to wage war upon the French nation. As a return for this concession, Francis bound himself and his successors to pay forever fifty thousand crowns a year to Henry and his successors; and that greater solemnity might be given to this treaty, it was agreed that the

parliaments and great nobility of both kingdoms should give their assent to it. The mareschal Montmorency, accompanied by many persons of distinction, and attended by a pompous equipage, was sent over to ratify the treaty; and was received at London with all the parade which suited the solemnity of the occasion. The terror of the emperor's greatness had extinguished the ancient animosity between the nations; and Spain, during more than a century, became, though a more distant power, the chief object of jealousy to the English.

This cordial union between France and England, though it added influence to the joint embassy which they sent to the emperor, was not able to bend that monarch to submit entirely to the conditions insisted on by the allies. He departed, indeed, from his demand of Burgundy as the ransom of the French princes; but he required, previously to their liberty, that Francis should evacuate Genoa, and all the fortresses held by him in Italy; and he declared his intention of bringing Sforza to a trial, and confiscating the duchy of Milan, on account of his pretended treason. The English and French heralds, therefore, according to agreement, declared war against him, and set him at defiance. Charles answered the English herald with moderation; but to the French he reproached his master with breach of faith, reminded him of the private conversation which had passed between them at Madrid before their separation, and offered to prove by single combat that he had acted dishonorably. Francis retaliated this challenge, by giving Charles the lie; and, after demanding security of the field, he offered to maintain his cause by single combat. Many messages passed to and fro between them; but though both princes were undoubtedly brave, the intended duel never took place. The French and Spaniards, during that age, zealously disputed which of the monarchs incurred the blame of this failure; but all men of moderation every where lamented the power of fortune, that the prince the more candid, generous, and sincere, should, by unhappy incidents, have been reduced to so cruel a situation, that nothing but his violation of treaty could preserve his people, and that he must ever after, without being able to make a proper reply, bear to be reproached with breach of promise, by a rival inferior to him both in honor and virtue.

But though this famous challenge between Charles and Francis had no immediate consequence with regard to these monarchs themselves, it produced a considerable alteration on the manners of the age. The practice of challenges and duels, which had been part of the ancient barbarous jurisprudence, which was still preserved on very solemn occasions, and which was sometimes countenanced by the civil magistrate, began thenceforth to prevail in the most trivial incidents; and men, on any affront or injury, thought themselves entitled, or even required in honor, to take revenge on their enemies, by openly vindicating their right in single combat. These absurd, though generous maxims, shed much of thee best blood in Christendom, during more than two centuries; and notwithstanding the severity of law and authority of reason, such is the prevailing force of custom, they are far from being as yet entirely exploded.



## CHAPTER 31.

### HENRY VIII

Notwithstanding the submissive deference paid to papal authority <sup>1527</sup>. before the reformation, the marriage of Henry with Catharine of Arragon, his brother's widow, had not passed without much scruple and difficulty. The prejudices of the people were in general bent against a conjugal union between such near relations; and the late king, though he had betrothed his son when that prince was but twelve years of age, gave evident proofs of his intention to take afterwards a proper opportunity of annulling the contract.<sup>1</sup> He ordered the young prince, as soon as he came of age, to enter a protestation against the marriage;<sup>2</sup> and on his death-bed he charged him, as his last injunction, not to finish an alliance so unusual, and exposed to such insuperable objections. After the king's accession, some members of the privy council, particularly Warham, the primate, openly declared against the resolution of completing the marriage; and though Henry's youth and dissipation kept him, during some time, from entertaining any scruples with regard to the measure which he had embraced, there happened incidents sufficient to rouse his attention, and to inform him of the sentiments generally entertained on that subject. The states of Castile had opposed the emperor Charles's espousals with Mary, Henry's daughter; and among other objections, had insisted on the illegitimate birth of the young princess.<sup>3</sup> And when the negotiations were afterwards opened with France, and mention was made of betrothing her to Francis or the duke of Orleans, the bishop of Tarbe, the French ambassador, revived the same objection.<sup>4</sup> But though these events naturally raised some doubts in Henry's mind, there concurred other causes, which tended much to increase his remorse, and render his conscience more scrupulous.

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<sup>1</sup> Morison's Apomaxis, p. 13.

<sup>2</sup> Morison's Apomaxis, p. 13. Heylin's Queen Mary, p. 2.

<sup>3</sup> Lord Herbert, Fiddes's Life of Wolsey.



<sup>4</sup> Rymer vol. xiv. p. 192, 203. Heylin, p. 3.

The queen was older than the king by no less than six years; and the decay of her beauty, together with particular infirmities and diseases, had contributed, notwithstanding her blameless character and deportment, to render her person unacceptable to him. Though she had born him several children, they all died in early infancy, except one daughter, and he was the more struck with this misfortune, because the curse of being childless is the very threatening contained in the Mosaical law against those who espouse their brother's widow. The succession, too, of the crown was a consideration that occurred to every one, whenever the lawfulness of Henry's marriage was called in question; and it was apprehended, that if doubts of Mary's legitimacy concurred with the weakness of her sex, the king of Scots, the next heir, would advance his pretensions, and might throw the kingdom into confusion. The evils, as yet recent, of civil wars and convulsions arising from a disputed title, made great impression on the minds of men, and rendered the people universally desirous of any event which might obviate so irreparable a calamity. And the king was thus impelled, both by his private passions and by motives of public interest, to seek the dissolution of his inauspicious, and, as it was esteemed, unlawful marriage with Catharine.

Henry afterwards affirmed that his scruples arose entirely from private reflection; and that on consulting his confessor, the bishop of Lincoln, he found the prelate possessed with the same doubts and difficulties. The king himself, being so great a casuist and divine, next proceeded to examine the question more carefully by his own learning and study; and having had recourse to Thomas of Aquine, he observed that this celebrated doctor, whose authority was great in the church, and absolute with him, had treated of that very case, and had expressly declared against the lawfulness of such marriages.<sup>5</sup>

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<sup>5</sup> Burnet. Fiddes.

The prohibitions, said Thomas, contained in Leviticus, and among the rest that of marrying a brother's widow, are moral, eternal, and founded on a divine sanction; and though the pope may dispense with the rules of the church, the laws of God cannot be set aside by any authority less than that which enacted them. The archbishop of Canterbury was then applied to; and he was required to consult his brethren: all the prelates of England, except Fisher, bishop of Rochester unanimously declared, under their hand and seal, that they deemed the king's marriage unlawful.<sup>6</sup> Wolsey also fortified the king's scruples;<sup>7</sup> partly with a view of promoting a total breach with the emperor, Catharine's nephew; partly desirous of connecting the king more closely with Francis, by marrying him to the duchess of Alençon, sister to that monarch; and perhaps, too, somewhat disgusted with the queen herself, who had reproved him for certain freedoms, unbecoming his character and station,<sup>8</sup> But Henry was carried forward, though perhaps not at first excited, by a motive more forcible than even the suggestions of that powerful favorite.

Anne Boleyn, who lately appeared at court, had been appointed maid of honor to the queen; and having had frequent opportunities of being seen by Henry, and of conversing with him, she had acquired an entire ascendant over his affections. This young lady, whose grandeur and misfortunes have rendered her so celebrated, was daughter of Sir Thomas Boleyn, who had been employed by the king in several embassies, and who was allied to all the principal nobility in the kingdom. His wife, mother to Anne, was daughter of the duke of Norfolk; his own mother was daughter of the earl of Ormond; his grandfather, Sir Geoffrey Boleyn, who had been mayor of London, had espoused one of the daughters and coheirs of Lord Hastings.<sup>9</sup>

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<sup>6</sup> Burnet, vol. i. p. 38. Stowe, p. 548.

<sup>7</sup> Le Grand, vol. iii. p. 48, 166, 168. Saunders. Heylin, p. 4.

<sup>8</sup> Burnet, vol. i. p. 38. Strype, vol. i. p. 88.

<sup>9</sup> Camden's Preface to the Life of Elizabeth. Burnet, vol. i p. 44.

Anne herself, though then in very early youth, had been carried over to Paris by the king's sister, when the princess espoused Lewis XII. of France; and upon the demise of that monarch, and the return of his dowager into England, this damsel, whose accomplishments even in her tender years were always much admired, was retained in the service of Claude, queen of France, spouse to Francis; and after the death of that princess, she passed into the family of the duchess of Alençon, a woman of singular merit. The exact time when she returned to England is not certainly known; but it was after the king had entertained doubts with regard to the lawfulness of his marriage with Catharine, if the account is to be credited which he himself afterwards gave of that transaction. Henry's scruples had made him break off all conjugal commerce with the queen; but as he still supported an intercourse of civility and friendship with her, he had occasion, in the frequent visits which he paid her, to observe the beauty, the youth, the charms of Anne Boleyn. Finding the accomplishments of her mind nowise inferior to her exterior graces, he even entertained the design of raising her to the throne; and was the more confirmed in this resolution, when he found that her virtue and modesty prevented all hopes of gratifying his passion in any other manner. As every motive, therefore, of inclination and policy seemed thus to concur in making the king desirous of a divorce from Catharine, and as his prospect of success was inviting, he resolved to make application to Clement; and he sent Knight, his secretary, to Rome for that purpose.

That he might not shock the haughty claims of the pontiff, he resolved not to found the application on any general doubts concerning the papal power to permit marriage in the nearer degrees of consanguinity; but only to insist on particular grounds of nullity in the bull which Julius had granted for the marriage of Henry and Catharine. It was a maxim in the court of Rome, that if the pope be surprised into any concession, or grant any indulgence upon false suggestions, the bull may afterwards be annulled; and this pretence had usually been employed wherever one pope had recalled any deed executed by any of his predecessors. But Julius's bull, when examined, afforded abundant matter of this kind; and any tribunal favorable to Henry needed not want a specious color for gratifying him in his applications for a divorce. It was said in the preamble, that the bull had been granted upon his solicitation; though it was known that, at

that time, he was under twelve years of age; it was also affirmed, as another motive for the bull, that the marriage was requisite, in order to preserve peace between the two crowns; though it is certain that there was not then any ground or appearance of quarrel between them. These false premises in Julius's bull seemed to afford Clement a sufficient reason or pretence for annulling it, and granting Henry a dispensation for a second marriage.<sup>10</sup>.....

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<sup>10</sup> Collier, Eccles. Hist. vol. ii p. 25, from the Cott. Lib.

<sup>11</sup> itel. p. 9

But though the pretext for this indulgence had been less plausible, the pope was in such a situation that he had the strongest motives to embrace every opportunity of gratifying the English monarch. He was then a prisoner in the hands of the emperor; and had no hopes of recovering his liberty on any reasonable terms, except by the efforts of the league which Henry had formed with Francis and the Italian powers, in order to oppose the ambition of Charles. When the English secretary, therefore, solicited him in private, he received a very favorable answer: and a dispensation was forthwith promised to be granted to his master.<sup>11</sup>..... Soon after, the march of a French army into Italy, under the command of Lautrec, obliged the imperialists to restore Clement to his liberty; and he retired to Orvietto, where the secretary, with Sir Gregory Cassali, the king's resident at Rome, renewed their applications to him. They still found him full of high professions of friendship, gratitude, and attachment to the king; but not so prompt in granting his request as they expected. The emperor, who had got intelligence of Henry's application to Rome, had exacted a promise from the pope, to take no steps in the affair before he communicated them to the imperial ministers; and Clement, embarrassed by this promise, and still more overawed by the emperor's forces in Italy, seemed willing to postpone those concessions desired of him by Henry. Importuned, however, by the English ministers, he at last put into their hands a commission to Wolsey, as legate, in conjunction with the archbishop of Canterbury, or any other English prelate, to examine the validity of the

king's marriage, and of Julius's dispensation:<sup>12</sup> he also granted them a provisional dispensation for the king's marriage with any other person; and promised to issue a decretal bull, annulling the marriage with Catharine. But he represented to them the dangerous consequences which must ensue to him, if these concessions should come to the emperor's knowledge; and he conjured them not to publish those papers, or make any further use of them, till his affairs were in such a situation as to secure his liberty and independence. And his secret advice was, whenever they should find the proper time for opening the scene, that they should prevent all opposition, by proceeding immediately to a conclusion, by declaring the marriage with Catharine invalid, and by Henry's instantly espousing some other person. Nor would it be so difficult, he said for himself to confirm these proceedings, after they were passed, as previously to render them valid by his consent and authority.<sup>13</sup>

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<sup>12</sup> Burnet, vol. i. p. 47.

<sup>13</sup> Rymer, vol. xiv. p. 237.

<sup>14</sup> Collier, from Cott. Lib. Vitel. b. 10.

When Henry received the commission and dispensation from his <sup>1528</sup>. ambassadors, and was informed of the pope's advice, he laid the whole before his ministers, and asked their opinion in so delicate a situation. The English counsellors considered the danger of proceeding in the manner pointed out to them. Should the pope refuse to ratify a deed which he might justly call precipitate and irregular, and should he disavow the advice which he gave in so clandestine a manner, the king would find his second marriage totally invalidated; the children which it might bring him declared illegitimate; and his marriage with Catharine more firmly riveted than ever.<sup>14</sup> And Henry's apprehensions of the possibility, or even probability, of such an event, were much confirmed when he reflected on the character and situation of the sovereign pontiff.

Clement was a prince of excellent judgment, whenever his timidity, to which he was extremely subject, allowed him to make full use of those talents and that penetration with which he was endowed.<sup>15</sup> The captivity

and other misfortunes which he had undergone by entering into a league against Charles, had so affected his imagination, that he never afterwards exerted himself with vigor in any public measure; especially if the interest or inclinations of that potentate stood in opposition to him. The imperial forces were at that time powerful in Italy, and might return to the attack of Rome, which was still defenceless, and exposed to the same calamities with which it had already been overwhelmed. And besides these dangers, Clement fancied himself exposed to perils which threatened still more immediately his person and his dignity.

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<sup>15</sup> Burnet, vol. i. p. 51.

<sup>16</sup> Father Paul, lib. i. Guicciard.

Charles, apprised of the timid disposition of the holy father, threw out perpetual menaces of summoning a general council; which he represented as necessary to reform the church, and correct those enormous abuses which the ambition and avarice of the court of Rome had introduced into every branch of ecclesiastical administration. The power of the sovereign pontiff himself, he said, required limitation; his conduct called aloud for amendment; and even his title to the throne which he filled might justly be called in question. That pope had always passed for the natural son of Julian of Medicis, who was of the sovereign family of Florence; and though Leo X., his kinsman, had declared him legitimate, upon a pretended promise of marriage between his father and mother, few believed that declaration to be founded on any just reason or authority.<sup>16</sup> The canon law, indeed, had been entirely silent with regard to the promotion of bastards to the papal throne; but, what was still dangerous, the people had entertained a violent prepossession, that this stain in the birth of any person was incompatible with so holy an office. And in another point the canon law was express and positive, that no man guilty of simony could attain that dignity. A severe bull of Julius II. had added new sanctions to this law, by declaring that a simoniacal election could not be rendered valid, even by a posterior consent of the cardinals. But unfortunately Clement had given to Cardinal Colonna a billet, containing promises of

advancing that cardinal, in case he himself should attain the papal dignity by his concurrence; and this billet Colonna, who was in entire dependence on the emperor, threatened every moment to expose to public view.<sup>17</sup>.....

While Charles terrified the pope with these menaces, he also allured him by hopes, which were no less prevalent over his affections. At the time when the emperor's forces sacked Rome, and reduced Clement to captivity, the Florentines, passionate for their ancient liberty, had taken advantage of his distresses, and revolting against the family of Medicis, had entirely abolished their authority in Florence, and reestablished the democracy. The better to protect themselves in their freedom, they had entered into the alliance with France, England, and Venice, against the emperor; and Clement found that by this interest, the hands of his confederates were tied from assisting him in the restoration of his family; the event which, of all others, he most passionately desired. The emperor alone, he knew, was able to effect this purpose; and therefore, whatever professions he made of fidelity to his allies, he was always, on the least glimpse of hope, ready to embrace every proposal of a cordial reconciliation with that monarch.<sup>18</sup>.....

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<sup>17</sup>..... Father Paul lib. i.

<sup>18</sup>..... Father Paul, lib. i.

<sup>19</sup>..... Father Paul.

These views and interests of the pope were well known in England; and as the opposition of the emperor to Henry's divorce was foreseen, both on account of the honor and interests of Catharine, his aunt, and the obvious motive of distressing an enemy, it was esteemed dangerous to take any measure of consequence, in expectation of the subsequent concurrence of a man of Clement's character, whose behavior always contained so much duplicity, and who was at present so little at his own disposal. The safest measure seemed to consist in previously engaging him so far, that he could not afterwards recede, and in making use of his present ambiguity and uncertainty, to extort the most important concessions from him. For this purpose, Stephen Gardiner, the cardinal's secretary, and Edward Fox, the

king's almoner, were despatched to Rome, and were ordered to solicit a commission from the pope, of such a nature as would oblige him to confirm the sentence of the commissioners, whatever it should be, and disable him on any account to recall the commission, or evoke the cause to Rome.<sup>19</sup>

But the same reasons which made the king so desirous of obtaining this concession, confirmed the pope in the resolution of refusing it: he was still determined to keep the door open for an agreement with the emperor; and he made no scruple of sacrificing all other considerations to a point, which he deemed the most essential and important to his own security, and to the greatness of his family. He granted, therefore, a new commission, in which Cardinal Campeggio was joined to Wolsey, for the trial of the king's marriage; but he could not be prevailed on to insert the clause desired of him. And though he put into Gardiner's hand a letter, promising not to recall the present commission, this promise was found, on examination, to be couched in such ambiguous terms, as left him still the power, whenever he pleased, of departing from it.<sup>20</sup>

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<sup>20</sup> Lord Herbert. Burnet, vol. i. p. 29, in the Collect. Le Grand, vol iii. p. 28. Strype, vol. i. p. 93, with App. No. 23-24, etc.

<sup>21</sup> Lord Herbert, p. 221 Burnet, p. 59.

Campeggio lay under some obligations to the king; but his dependence on the pope was so much greater, that he conformed himself entirely to the views of the latter; and though he received his commission in April, he delayed his departure under so many pretences, that it was October before he arrived in England. The first step which he took was to exhort the king to desist from the prosecution of his divorce; and finding that this counsel gave offence, he said, that his intention was also to exhort the queen to take the vows in a convent, and that he thought it his duty previously to attempt an amicable composure of all differences.<sup>21</sup> The more to pacify the king, he showed to him, as also to the cardinal the decretal bull, annulling the former marriage with Catharine; but no entreaties could prevail on him to make any other of the king's council privy to the secret.<sup>22</sup> In order



to atone in some degree for this obstinacy, he expressed to the king and the cardinal the pope's great desire of satisfying them in every reasonable demand; and in particular, he showed that their request for suppressing some more monasteries, and converting them into cathedrals and episcopal sees, had obtained the consent of his holiness.<sup>23</sup>

These ambiguous circumstances in the behavior of the pope and the legate, kept the court of England in suspense, and determined the king to wait with patience the issue of such uncertain councils.

Fortune, meanwhile, seemed to promise him a more sure and <sup>1529</sup>expeditious way of extricating himself from his present difficulties. Clement was seized with a dangerous illness; and the intrigues, for electing his successor, began already to take place among the cardinals. Wolsey, in particular, supported by the interest of England and of France, entertained hopes of mounting the throne of St. Peter;<sup>24</sup> and it appears, that if a vacancy had then happened, there was a probability of his reaching that summit of his ambition. But the pope recovered, though after several relapses; and he returned to the same train of false and deceitful politics, by which he had hitherto amused the court of England. He still flattered Henry with professions of the most cordial attachment, and promised him a sudden and favorable issue to his process: he still continued his secret negotiations with Charles, and persevered in the resolution of sacrificing all his promises, and all the interests of the Romish religion, to the elevation of his family. Campeggio, who was perfectly acquainted with his views and intentions, protracted the decision by the most artful delays; and gave Clement full leisure to adjust all the terms of his treaty with the emperor.

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<sup>22</sup> ..... Herbert, p 225.

<sup>23</sup> ..... Burnet, p. 58.

<sup>24</sup> ..... Rymer, vol xiv. p. 270. Strype, vol.i. p. 110, 111. App. No 28

<sup>25</sup> ..... Burnet, vol. i. p. 63.

The emperor, acquainted with the king's extreme earnestness in this affair, was determined that he should obtain success by no other means than by an application to him and by deserting his alliance with Francis, which had hitherto supported, against the superior force of Spain, the tottering state of the French monarchy. He willingly hearkened, therefore, to the applications of Catharine, his aunt; and promising her his utmost protection, exhorted her never to yield to the malice and persecutions of her enemies. The queen herself was naturally of a firm and resolute temper; and was engaged by every motive to persevere in protesting against the injustice to which she thought herself exposed. The imputation of incest, which was thrown upon her marriage with Henry, struck her with the highest indignation: the illegitimacy of her daughter, which seemed a necessary consequence, gave her the most just concern: the reluctance of yielding to a rival, who, she believed, had supplanted her in the king's affections, was a very natural motive. Actuated by all these considerations, she never ceased soliciting her nephew's assistance, and earnestly entreating an evocation of the cause to Rome, where alone, she thought, she could expect justice. And the emperor, in all his negotiations with the pope, made the recall of the commission which Campeggio and Wolsey exercised in England a fundamental article.<sup>25</sup>

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<sup>26</sup> Herbert, p. 225. Burnet, vol i. p. 69.

The two legates, meanwhile, opened their court at London, and cited the king and queen to appear before it. They both presented themselves; and the king answered to his name, when called: but the queen, instead of answering to hers rose from her seat, and throwing herself at the king's feet, made a very pathetic harangue, which her virtue, her dignity, and her misfortunes rendered the more affecting. She told him, that she was a stranger in his dominions, without protection, without council, without assistance; exposed to all the injustice which her enemies were pleased to impose upon her: that she had quitted her native country without other resource than her connections with him and his family, and had expected that, instead of suffering thence any violence or iniquity, she was assured in them of a safeguard against every misfortune: that she had been his wife

during twenty years, and would here appeal to himself, whether her affectionate submission to his will had not merited better treatment, than to be thus, after so long a time, thrown from him with so much indignity: that she was conscious—he himself was assured—that her virgin honor was yet unstained when he received her into his bed and that her connections with his brother had been carried no further than the ceremony of marriage: that their parents, the kings of England and Spain, were esteemed the wisest princes of their time, and had undoubtedly acted by the best advice, when they formed the agreement for that marriage, which was now represented as so criminal and unnatural: and that she acquiesced in their judgment, and would not submit her cause to be tried by a court, whose dependence on her enemies was too visible, ever to allow her any hopes of obtaining from them an equitable or impartial decision.<sup>26</sup> Having spoken these words, she rose, and making the king a low reverence, she departed from the court, and never would again appear in it.

After her departure, the king did her the justice to acknowledge, that she had ever been a dutiful and affectionate wife, and that the whole tenor of her behavior had been conformable to the strictest rules of probity and honor. He only insisted on his own scruples with regard to the lawfulness of their marriage; and he explained the origin, the progress, and the foundation of those doubts, by which he had been so long and so violently agitated. He acquitted Cardinal Wolsey from having any hand in encouraging his scruples; and he craved a sentence of the court agreeable to the justice of his cause.

The legates, after citing the queen anew, declared her contumacious, notwithstanding her appeal to Rome; and then proceeded to the examination of the cause. The first point which came before them was, the proof of Prince Arthur's consummation of his marriage with Catharine; and it must be confessed, that no stronger arguments could reasonably be expected of such a fact after so long an interval. The age of the prince, who had passed his fifteenth year, the good state of his health, the long time that he had cohabited with his consort, many of his expressions to that very purpose; all these circumstances form a violent presumption in favor of the king's assertion.<sup>27</sup> Henry himself, after his brother's death was not

allowed for some time to bear the title of prince of Wales, in expectation of her pregnancy: the Spanish ambassador, in order the better to insure possession of her jointure, had sent over to Spain proofs of the consummation of her marriage:<sup>28</sup> Julius's bull itself was founded on the supposition that Arthur had perhaps had knowledge of the princess: in the very treaty, fixing Henry's marriage, the consummation of the former marriage with Prince Arthur is acknowledged on both sides.<sup>29</sup>

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<sup>27</sup> Burnet, vol. i. p. 73. Hall. Stowe, p. 543.

<sup>28</sup> Herbert.

<sup>29</sup> Burnet, vol. ii. p. 85.

<sup>30</sup> Rymer, vol. xiii. p. 81.

These particulars were all laid before the court; accompanied with many reasonings concerning the extent of the pope's authority, and against his power of granting a dispensation to marry within the prohibited degrees. Campeggio heard these doctrines with great impatience; and notwithstanding his resolution to protract the cause, he was often tempted to interrupt and silence the king's counsel, when they insisted on such disagreeable topics. The trial was spun out till the twenty-third of July; and Campeggio chiefly took on him the part of conducting it. Wolsey, though the elder cardinal, permitted him to act as president of the court; because it was thought, that a trial managed by an Italian cardinal would carry the appearance of greater candor and impartiality, than if the king's own minister and favorite had presided in it. The business now seemed to be drawing near to a period; and the king was every day in expectation of a sentence in his favor; when, to his great surprise, Campeggio, on a sudden, without any warning, and upon very frivolous pretences,<sup>30</sup> prorogued the court till the first of October. The evocation, which came a few days after from Rome, put an end to all the hopes of success which the king had so long and so anxiously cherished.<sup>31</sup>

During the time that the trial was carried on before the legates at London, the emperor had by his ministers earnestly solicited Clement to evoke the cause; and had employed every topic of hope or terror which

could operate either on the ambition or timidity of the pontiff. The English ambassadors, on the other hand, in conjunction with the French, had been no less earnest in their applications, that the legates should be allowed to finish the trial; but though they employed the same engines of promises and menaces, the motives which they could set before the pope were not so urgent or immediate as those which were held up to him by the emperor.<sup>32</sup> The dread of losing England, and of fortifying the Lutherans by so considerable an accession, made small impression on Clement's mind, in comparison of the anxiety for his personal safety, and the fond desire of restoring the Medici to their dominion in Florence. As soon, therefore, as he had adjusted all terms with the emperor he laid hold of the pretence of justice, which required him, as he asserted, to pay regard to the queen's appeal; and suspending the commission of the legates, he adjourned the cause to his own personal judgment at Rome. Campeggio had beforehand received private orders, delivered by Campana, to burn the decretal bull with which he was intrusted.

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<sup>31</sup> Burnet, vol. i. p. 76, 77.

<sup>32</sup> Herbert, p. 254.

<sup>33</sup> Burnet, vol. i. p. 75.

Wolsey had long foreseen this measure as the sure forerunner of his ruin. Though he had at first desired that the king should rather marry a French princess than Anne Boleyn, he had employed himself with the utmost assiduity and earnestness to bring the affair to a happy issue: <sup>33</sup> he was not, therefore, to be blamed for the unprosperous event which Clement's partiality had produced. But he had sufficient experience of the extreme ardor and impatience of Henry's temper, who could bear no contradiction, and was wont, without examination or distinction, to make his ministers answerable for the success of those transactions with which they were intrusted. Anne Boleyn also, who was prepossessed against him, had imputed to him the failure of her hopes; and as she was newly returned to court, whence she had been removed, from a regard to decency, during the trial before the legates, she had naturally acquired an additional influence

on Henry, and she served much to fortify his prejudices against the cardinal.<sup>34</sup> Even the queen and her partisans, judging of Wolsey by the part which he had openly acted, had expressed great animosity against him; and the most opposite factions seemed now to combine in the ruin of this haughty minister. The high opinion itself, which Henry had entertained of the cardinal's capacity, tended to hasten his downfall; while he imputed the bad success of that minister's undertakings, not to ill fortune or to mistake, but to the malignity or infidelity of his intentions. The blow, however, fell not instantly on his head. The king, who probably could not justify by any good reason his alienation from his ancient favorite, seems to have remained some time in suspense; and he received him, if not with all his former kindness, at least with the appearance of trust and regard.

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<sup>34</sup> Collier, vol. ii. p. 45. Burnet, vol. i. p. 53.

<sup>35</sup> Cavendish, p. 40.

But constant experience evinces how rarely a high confidence and affection receives the least diminution, without sinking into absolute indifference, or even running into the opposite extreme. The king now determined to bring on the ruin of the cardinal with a motion almost as precipitate as he had formerly employed in his elevation. The dukes of Norfolk and Suffolk were sent to require the great seal from him; and on his scrupling to deliver it<sup>35</sup> without a more express warrant, Henry wrote him a letter, upon which it was surrendered; and it was delivered by the king to Sir Thomas More, a man who, besides the ornaments of an elegant literature, possessed the highest virtue, integrity, and capacity.

Wolsey was ordered to depart from York Place, a palace which he had built in London, and which, though it really belonged to the see of York, was seized by Henry, and became afterwards the residence of the kings of England, by the title of Whitehall. All his furniture and plate were also seized: their riches and splendor befitted rather a royal than a private fortune. The walls of his palace were covered with cloth of gold or cloth of silver: he had a cupboard of plate of massy gold: there were found a

thousand pieces of fine holland belonging to him. The rest of his riches and furniture was in proportion; and his opulence was probably no small inducement to this violent persecution against him.

The cardinal was ordered to retire to Asher, a country seat which he possessed near Hampton Court. The world, that had paid him such abject court during his prosperity, now entirely deserted him on this fatal reverse of all his fortunes. He himself was much dejected with the change; and from the same turn of mind which had made him be so vainly elated with his grandeur, he felt the stroke of adversity with double rigor.<sup>36</sup> The smallest appearance of his return to favor threw him into transports of joy unbecoming a man. The king had seemed willing, during some time, to intermit the blows which overwhelmed him. He granted him his protection, and left him in possession of the sees of York and Winchester. He even sent him a gracious message, accompanied with a ring, as a testimony of his affection. Wolsey, who was on horseback when the messenger met him, immediately alighted; and, throwing himself on his knees in the mire, received in that humble attitude these marks of his majesty's gracious disposition towards him.

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<sup>36</sup> Cavendish, p. 41.

<sup>37</sup> Strype, vol. i. p. 114, 115. App. No. 31, etc.

<sup>38</sup> Stowe, p. 547.

But his enemies, who dreaded his return to court, never ceased plying the king with accounts of his several offences; and Anne Boleyn, in particular, contributed her endeavors, in conjunction with her uncle, the duke of Norfolk, to exclude him from all hopes of ever being reinstated in his former authority. He dismissed, therefore, his numerous retinue and as he was a kind and beneficent master, the separation passed not without a plentiful effusion of tears on both sides. <sup>37</sup> The king's heart, notwithstanding some gleams of kindness, seemed now totally hardened against his old favorite. He ordered him to be indicted in the star chamber, where a sentence was passed against him. And, not content with this severity, he abandoned him to all the rigor of the parliament, which now

after a long interval, was again assembled. The house of lords voted a long charge against Wolsey, consisting of forty-four articles; and accompanied it with an application to the king for his punishment, and his removal from all authority. Little opposition was made to this charge in the upper house: no evidence of any part of it was so much as called for; and as it chiefly consists of general accusations, it was scarcely susceptible of any.<sup>38</sup> The articles were sent down to the house of commons; where Thomas Cromwell, formerly a servant of the cardinal's, and who had been raised by him from a very low station, defended his unfortunate patron with such spirit, generosity, and courage, as acquired him great honor, and laid the foundation of that favor which he afterwards enjoyed with the king.

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<sup>39</sup> Cavendish. Stowe, p. 549.

<sup>40</sup> The first article of the charge against the cardinal is his procuring the legatine power, which, however, as it was certainly done with the king's consent and permission, could be nowise criminal. Many of the other articles also regard the mere exercise of that power. Some articles impute to him, as crimes, particular actions which were natural or unavoidable to any man that was prime minister with so unlimited an authority; such as receiving first all letters from the king's ministers abroad, receiving first all visits from foreign ministers, desiring that all applications should be made through him. He was also accused of naming himself with the king, as if he had been his fellow—"the king and I." It is reported that sometimes he even put his own name before the king's—"ego et rex meus." But this mode of expression is justified by the Latin idiom. It is remarkable, that his whispering in the king's ear, knowing himself to be affected with venereal distempers, is an article against him. Many of the charges are general, and incapable of proof. Lord Herbert goes so far as to affirm, that no man ever fell from so high a station who had so few real crimes objected to him. This opinion is perhaps a little too favorable to the cardinal. Yet the refutation of the articles by Cromwell, and their being rejected by a house of commons, even in this arbitrary reign, is almost a demonstration of Wolsey's innocence. Henry was, no doubt, entirely bent on his destruction, when, on his failure by a parliamentary impeachment, he attacked him upon the statute of provisors, which afforded him so little just hold on that minister. For that this indictment was subsequent to the attack in parliament, appears by Cavendish's *Life of Wolsey*, and Stowe, (p. 551,) and more certainly by the very articles of impeachment themselves. *Parliamentary History*, vol. iii. p. 42, article 7. *Coke's Inst.* part iv. fol. 89.]



Wolsey's enemies, finding that either his innocence or his caution prevented them from having any just ground of accusing him, had recourse to a very extraordinary expedient. An indictment was laid against him, that, contrary to a statute of Richard II., commonly called the statute of provisors, he had procured bulls from Rome, particularly one investing him with the legatine power, which he had exercised with very extensive authority. He confessed the indictment, pleaded ignorance of the statute, and threw himself on the king's mercy. He was perhaps within reach of the law but besides that this statute had fallen into disuse, nothing could be more rigorous and severe than to impute to him as a crime what he had openly, during the course of so many years, practised with the consent and approbation of the and the acquiescence of the parliament and kingdom. Not to mention what he always asserted,<sup>39</sup> and what we can scarcely doubt of, that he had obtained the royal license in the most formal manner, which, had he not been apprehensive of the dangers attending any opposition to Henry's lawless will, he might have pleaded in his own defence before the judges. Sentence, however, was pronounced against him, "That he was out of the king's protection; his lands and goods forfeited; and that his person might be committed to custody." But this prosecution of Wolsey was carried no further. Henry even granted him a pardon for all offences; restored him part of his plate and furniture; and still continued, from time to time, to drop expressions of favor and compassion towards him.

The complaints against the usurpations of the ecclesiastics had been very ancient in England, as well as in most other European kingdoms; and as this topic was now become popular every where, it had paved the way for the Lutheran tenets, and reconciled the people, in some measure, to the frightful idea of heresy and innovation. The commons, finding the occasion favorable, passed several bills restraining the impositions of the clergy; one for the regulating of mortuaries; another against the exactions for the probates of wills; <sup>40</sup> a third against non-residence and pluralities, and against church-men's being farmers of land. But what appeared chiefly dangerous to the ecclesiastical order, were the severe invectives thrown out, almost without opposition, in the house, against the dissolute lives of the priests, their ambition, their avarice, and their endless encroachments on the laity. Lord Herbert <sup>41</sup> has even preserved the speech

of a gentleman of Gray's Inn, which is of a singular nature, and contains such topics as we should little expect to meet with during that period. The member insists upon the vast variety of theological opinions which prevailed in different nations and ages; the endless inextricable controversies maintained by the several sects; the impossibility that any man, much less the people, could ever know, much less examine, the tenets and principles of every sect; the necessity of ignorance and a suspense of judgment with regard to all those objects of dispute: and, upon the whole, he infers, that the only religion obligatory on mankind is the belief of one Supreme Being, the author of nature; and the necessity of good morals, in order to obtain his favor and protection. Such sentiments would be deemed latitudinarian, even in our time; and would not be advanced, without some precaution, in a public assembly.

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<sup>41</sup> ..... Cavendish, p. 72.

<sup>42</sup> ..... These exactions were quite arbitrary, and had risen to a great height. A member said in the house, that a thousand marks had been exacted from him on that account. Hall, fol. 188 Strype, vol. i. p. 73.

<sup>43</sup> ..... Page 293.

But though the first broaching of religious controversy might encourage the sceptical turn in a few persons of a studious disposition, the zeal with which men soon after attached themselves to their several parties, served effectually to banish for a long time all such obnoxious liberties.

The bills for regulating the clergy met with some opposition in the house of lords. Bishop Fisher, in particular, imputed these measures of the commons to their want of faith; and to a formed design, derived from heretical and Lutheran principles, of robbing the church of her patrimony, and over-turning the national religion. The duke of Norfolk reproved the prelate in severe, and even somewhat indecent terms. He told him, that the greatest clerks were not always the wisest men. But Fisher replied, that he did not remember any fools in his time who had proved great clerks. The exceptions taken at the bishop of Rochester's speech stopped not there. The commons, by the mouth of Sir Thomas Audley, their speaker,

made complaints to the king of the reflections thrown upon them; and the bishop was obliged to put a more favorable construction on his words.<sup>42</sup>

Henry was not displeased that the court of Rome and the clergy should be sensible that they were entirely dependent on him, and that his parliament, if he were willing to second their inclinations, was sufficiently disposed to reduce the power and privileges of the ecclesiastics. The commons gratified the king in another particular of moment: they granted him a discharge of all those debts which he had contracted since the beginning of his reign,<sup>43</sup> and they grounded this bill, which occasioned many complaints, on a pretence of the king's great care of the nation, and of his regularly employing all the money which he had borrowed in the public service.

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<sup>44</sup> Parl. Hist. vol. iii. p. 59.

<sup>45</sup> Burnet, vol. ii. p. 82.

Most of the king's creditors consisted of friends to the cardinal who had been engaged by their patron to contribute to the supply of Henry's necessities; and the present courtiers were well pleased to take the opportunity of mulcting them.<sup>44</sup> Several also approved of an expedient which, they hoped, would ever after discredit a method of supply so irregular and so unparliamentary.

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<sup>46</sup> Burnet, vol. ii. p. 83.

The domestic transactions of England were at present so interesting to the king, that they chiefly engaged his attention; and he regarded foreign affairs only in subordination to them. He had declared war against the emperor; but the mutual advantages reaped by the commerce between England and the Netherlands, had engaged him to stipulate a neutrality with those provinces; and, except by money contributed to the Italian wars, he had in effect exercised no hostility against any of the imperial dominions. A general peace was this summer established in Europe.

Margaret of Austria and Louisa of Savoy met at Cambray, and settled the terms of pacification between the French king and the emperor. Charles accepted of two millions of crowns in lieu of Burgundy; and he delivered up the two princes of France, whom he had retained as hostages. Henry was, on this occasion, so generous to his friend and ally Francis, that he sent him an acquittal of near six hundred thousand crowns, which that prince owed him. Francis's Italian confederates were not so well satisfied as the king with the peace of Cambray: they were almost wholly abandoned to the will of the emperor, and seemed to have no means of security left but his equity and moderation. Florence, after a brave resistance, was subdued by the imperial arms, and finally delivered over to the dominion of the family of Medici. The Venetians were better treated: they were only obliged to relinquish some acquisitions which they had made on the coast of Naples. Even Francis Sforza obtained the investiture of Milan, and was pardoned for all past offences. The emperor in person passed into Italy with a magnificent train, and received the imperial crown from the hands of the pope at Bologna. He was but twenty-nine years of age; and having already, by his vigor and capacity, succeeded in every enterprise, and reduced to captivity the two greatest potentates in Europe, the one spiritual, the other temporal, he attracted the eyes of all men; and many prognostications were formed of his growing empire.

But though Charles seemed to be prosperous on every side, and though the conquest of Mexico and Peru now began to prevent that scarcity of money under which he had hitherto labored, he found himself threatened with difficulties in Germany; and his desire of surmounting them was the chief cause of his granting such moderate conditions to the Italian powers. Sultan Solyman, the greatest and most accomplished prince that ever sat on the Ottoman throne, had almost entirely subdued Hungary, had besieged Vienna, and, though repulsed, still menaced the hereditary dominions of the house of Austria with conquest and subjection. The Lutheran princes of the empire, finding that liberty of conscience was denied them, had combined in a league for their own defence at Smalcalde, and because they protested against the votes passed in the imperial diet, they thenceforth received the appellation, of "protestants." Charles had undertaken to reduce them to obedience; and

on pretence of securing the purity of religion, he had laid a scheme for aggrandizing his own family, by extending its dominion over all Germany.

The friendship of Henry was one material circumstance yet wanting to Charles, in order to insure success in his ambitious enterprises; and the king was sufficiently apprised that the concurrence of that prince would at once remove all the difficulties which lay in the way of his divorce; that point which had long been the object of his most earnest wishes. But besides that the interests of his kingdom seemed to require an alliance with France, his haughty spirit could not submit to a friendship imposed on him by constraint; and as he had ever been accustomed to receive courtship, deference, and solicitation from the greatest potentates, he could ill brook that dependence to which this unhappy affair seemed to have reduced him. Amidst the anxieties with which he was agitated, he was often tempted to break off all connections with the court of Rome; and though he had been educated in a superstitious reverence to papal authority, it is likely that his personal experience of the duplicity and selfish politics of Clement had served much to open his eyes in that particular. He found his prerogative firmly established at home: he observed that his people were in general much disgusted with clerical usurpations, and disposed to reduce the powers and privileges of the ecclesiastical order: he knew that they had cordially taken part with him in his prosecution of the divorce, and highly resented the unworthy treatment which after so many services and such devoted attachment, he had received from the court of Rome. Anne Boleyn also could not fail to use all her efforts, and employ every insinuation, in order to make him proceed to extremities against the pope; both as it was the readiest way to her attaining royal dignity, and as her education in the court of the duchess of Alençon, a princess inclined to the reformers, had already disposed her to a belief of the new doctrines. But notwithstanding these inducements, Henry had strong motives still to desire a good agreement with the sovereign pontiff. He apprehended the danger of such great innovations: he dreaded the reproach of heresy: he abhorred all connections with the Lutherans, the chief opponents of the papal power; and having once exerted himself with such applause, as he imagined, in defence of the Romish communion, he was ashamed to retract his former opinions, and betray from passion such a palpable inconsistency. While he

was agitated by these contrary motives, an expedient was proposed, which, as it promised a solution of all difficulties, was embraced by him with the greatest joy and satisfaction.

Dr. Thomas Cranmer, fellow of Jesus College in Cambridge, was a man remarkable in that university for his learning, and still more for the candor and disinterestedness of his temper. He fell one evening by accident into company with Gardiner, now secretary of state, and Fox, the king's almoner; and as the business of the divorce became the subject of conversation, he observed that the readiest way either to quiet Henry's conscience, or extort the pope's consent, would be to consult all the universities of Europe with regard to this controverted point: if they agreed to approve of the king's marriage with Catharine, his remorse would naturally cease; if they condemned it, the pope would find it difficult to resist the solicitations of so great a monarch, seconded by the opinion of all the learned men in Christendom.<sup>45</sup> When the king was informed of the proposal, he was delighted with it; and swore, with more alacrity than delicacy that Cranmer had got the right sow by the ear: he sent for that divine; entered into conversation with him; conceived a high opinion of his virtue and understanding; engaged him to write in defence of the divorce; and immediately, in prosecution of the scheme proposed, employed his agents to collect the judgments of all the universities in Europe.

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<sup>47</sup> Fox, p. 1860 2d edit. Burnet, vol. i. p. 79. Speed, p. 769. Heylin, p. 5

Had the question of Henry's marriage with Catharine been examined by the principles of sound philosophy, exempt from superstition, it seemed not liable to much difficulty. The natural reason why marriage in certain degrees is prohibited by the civil laws, and condemned by the moral sentiments of all nations, is derived from men's care to preserve purity of manners; while they reflect, that if a commerce of love were authorized between near relations, the frequent opportunities of intimate conversation, especially during early youth, would introduce a universal dissoluteness and corruption. But as the customs of countries vary considerably, and open an intercourse, more or less restrained, between

different families, or between the several members of the same family, we find that the moral precept, varying with its cause, is susceptible, without any inconvenience, of very different latitude in the several ages and nations of the world. The extreme delicacy of the Greeks permitted no communication between persons of different sexes, except where they lived under the same roof; and even the apartments of a step-mother and her daughters were almost as much shut up against visits from the husband's sons, as against those from any stranger or more distant relation: hence, in that nation, it was lawful for a man to marry not only his niece, but his half-sister by the father; a liberty unknown to the Romans, and other nations, where a more open intercourse was authorized between the sexes. Reasoning from this principle, it would appear, that the ordinary commerce of life among great princes is so obstructed by ceremony and numerous attendants, that no ill consequence would result among them from marrying a brother's widow; especially if the dispensation of the supreme priest be previously required, in order to justify what may in common cases be condemned, and to hinder the precedent from becoming too common and familiar. And as strong motives of public interest and tranquillity may frequently require such alliances between the foreign families, there is the less reason for extending towards them the full rigor of the rule which has place among individuals.<sup>46</sup>

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<sup>48</sup> Even judging of this question by the Scripture, to which the appeal was every moment made, the arguments for the king's cause appear but lame and imperfect. Marriage in the degree of affinity which had place between Henry and Catharine, is, indeed, prohibited in Leviticus; but it is natural to interpret that prohibition as a part of the Jewish ceremonial or municipal law; and though it is there said, in the conclusion, that the Gentile nations, by violating those degrees of consanguinity, had incurred the divine displeasure; the extension of this maxim to every precise case before specified, is supposing the Scriptures to be composed with a minute accuracy and precision, to which, we know with certainty, the sacred penmen did not think proper to confine themselves. The descent of mankind from one common father obliged them, in the first generation, to marry in the nearest degrees of consanguinity. Instances of a like nature occur among the patriarchs; and the marriage of a brother's widow was, in certain cases, not only permitted, but even enjoined as a positive precept, by the Mosaical law. It is in vain to say that this precept was an exception to the

rule, and an exception confined merely to the Jewish nation. The inference is still just, that such a marriage can contain no natural or moral turpitude; otherwise God, who is the author of all purity, would never, in any case, have enjoined it.]

But in opposition to these reasons, and many more which might be collected, Henry had custom and precedent on his side, the principle by which men are almost wholly governed in their actions and opinions. The marrying of a brother's widow was so unusual, that no other instance of it could be found in any history or record of any Christian nation; and though the popes were accustomed to dispense with more essential precepts of morality, and even permitted marriages within other prohibited degrees, such as those of uncle and niece, the imaginations of men were not yet reconciled to this particular exercise of his authority.

Several universities of Europe, therefore, without hesitation, as well as <sup>1530</sup> without interest or reward,<sup>47</sup> gave verdict in the king's favor; not only those of France, Paris, Orleans, Bourges, Toulouse, Angiers, which might be supposed to lie under the influence of their prince, ally to Henry; but also those of Italy, Venice, Ferrara, Padua; even Bologna itself, though under the immediate jurisdiction of Clement. Oxford alone<sup>48</sup> and Cambridge, made some difficulty; because these universities, alarmed at the progress of Lutheranism, and dreading a defection from the holy see, scrupled to give their sanction to measures whose consequences they feared would prove fatal to the ancient religion. Their opinion, however, conformable to that of the other universities of Europe, was at last obtained; and the king, in order to give more weight to all these authorities, engaged his nobility to write a letter to the pope, recommending his cause to the holy father, and threatening him with the most dangerous consequences in case of a denial of justice.<sup>49</sup> The convocations, too, both of Canterbury and York, pronounced the king's marriage invalid, irregular, and contrary to the law of God, with which no human power had authority to dispense.<sup>50</sup>

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<sup>49</sup> Herbert. Burnet.

<sup>50</sup> Wood, Hist. and Ant. Ox. lib. i. p. 225.



<sup>51</sup> Burnet, vol. i, p. 6.

<sup>52</sup> Rymer, vol. xiv. p. 405. Burnet, vol. i. p. 95.

But Clement, lying still under the influence of the emperor, continued to summon the king to appear, either by himself or proxy, before his tribunal at Rome; and the king, who knew that he could expect no fair trial there, refused to submit to such a condition, and would not even admit of any citation, which he regarded as a high insult, and a violation of his royal prerogative. The father of Anne Boleyn, created earl of Wiltshire, carried to the pope the king's reasons for not appearing by proxy; and, as the first instance of disrespect from England, refused to kiss his holiness's foot which he very graciously held out to him for that purpose.<sup>51</sup>

The extremities to which Henry was pushed, both against the pope and the ecclesiastical order, were naturally disagreeable to Cardinal Wolsey; and as Henry foresaw his opposition, it is the most probable reason that can be assigned for his renewing the prosecution against his ancient favorite. After Wolsey had remained some time at Asher, he was allowed to remove to Richmond, a palace which he had received as a present from Henry, in return for Hampton Court; but the courtiers, dreading still his vicinity to the king, procured an order for him to remove to his see of York. The cardinal knew it was in vain to resist: he took up his residence at Cawood, in Yorkshire, where he rendered himself extremely popular in the neighborhood by his affability and hospitality;<sup>52</sup> but he was not allowed to remain long unmolested in this retreat.

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<sup>53</sup> Burnet, vol. i. p. 94.

<sup>54</sup> Cavendish. Stowe, p. 551.

The earl of Northumberland received, orders, without regard to Wolsey's ecclesiastical character, to arrest him for high treason, and to conduct him to London, in order to his trial. The cardinal, partly from the fatigues of his journey, partly from the agitation of his anxious mind, was seized with a disorder which turned into a dysentery; and he was able, with some

difficulty, to reach Leicester Abbey. When the abbot and the monks advanced to receive him with much respect and reverence, he told them that he was come to lay his bones among them; and he immediately took to his bed, whence he never rose more. A little before he expired, he addressed himself in the following words to Sir William Kingston, constable of the Tower, who had him in custody. "I pray you have me heartily recommended unto his royal majesty, and beseech him on my behalf to call to his remembrance all matters that have passed between us from the beginning, especially with regard to his business with the queen; and then will he know in his conscience whether I have offended him.

"He is a prince of a most royal carriage, and hath a princely heart; and rather than he will miss or want any part of his will, he will endanger the one half of his kingdom.

"I do assure you, that I have often kneeled before him, sometimes three hours together, to persuade him from his will and appetite; but could not prevail: had I but served God as diligently as I have served the king, he would not have given me over in my gray hairs. But this is the just reward that I must receive for my indulgent pains and study, not regarding my service to God, but only to my prince. Therefore, let me advise you, if you be one of the privy council, as by your wisdom you are fit, take care what you put into the king's head; for you can never put it out again."<sup>53</sup> .....

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<sup>53</sup> ..... Cavendish.

Thus died this famous cardinal, whose character seems to have contained as singular a variety as the fortune to which he was exposed. The obstinacy and violence of the king's temper may alleviate much of the blame which some of his favorite's measures have undergone; and when we consider, that the subsequent part of Henry's reign was much more criminal than that which had been directed by Wolsey's counsels, we shall be inclined to suspect those historians of partiality, who have endeavored to load the memory of this minister with such violent reproaches. If, in foreign politics, he sometimes employed his influence over the king for his private purposes, rather than his master's service, which, he boasted, he had solely

at heart, we must remember, that he had in view the papal throne; a dignity which, had he attained it, would have enabled him to make Henry a suitable return for all his favors. The cardinal of Amboise, whose memory is respected in France, always made this apology for his own conduct, which was, in some respect, similar to Wolsey's; and we have reason to think, that Henry was well acquainted with the views by which his minister was influenced, and took a pride in promoting them. He much regretted his death, when informed of it, and always spoke favorably of his memory; a proof that humor, more than reason, or any discovery of treachery, had occasioned the last persecutions against him.

A new session of parliament was held, together with a convocation; and <sup>1531</sup> the king here gave strong proofs of his extensive authority, as well as of his intention to turn it to the depression of the clergy. As an ancient statute, now almost obsolete, had been employed to ruin Wolsey, and render his exercise of the legatine power criminal, notwithstanding the king's permission, the same law was now turned against the ecclesiastics. It was pretended, that every one who had submitted to the legatine court, that is, the whole church, had violated the statute of provisors; and the attorney-general accordingly brought an indictment against them.<sup>54</sup> The convocation knew, that it would be in vain to oppose reason or equity to the king's arbitrary will, or plead that their ruin would have been the certain consequence of not submitting to Wolsey's commission, which was procured by Henry's consent, and supported by his authority. They chose, therefore, to throw themselves on the mercy of their sovereign; and they agreed to pay a hundred and eighteen thousand eight hundred and forty pounds for a pardon.<sup>55</sup> A confession was likewise extorted from them, that the king was the protector and the supreme head of the church and clergy of England; though some of them had the dexterity to get a clause inserted, which invalidated the whole submission, and which ran in these terms: "in so far as is permitted by the law of Christ."

The commons, finding that a pardon was granted the clergy, began to be apprehensive for themselves, lest either they should afterwards be brought into trouble on account of their submission to the legatine court, or a supply, in like manner, be extorted from them, in return for their pardon. They therefore petitioned the king to grant a remission to his lay

subjects; but they met with a repulse. He told them, that if he ever chose to forgive their offence, it would be from his own goodness, not from their application, lest he should seem to be compelled to it. Some time after, when they despaired of obtaining this concession, he was pleased to issue a pardon to the laity; and the commons expressed great gratitude for that act of clemency.<sup>56</sup>

By this strict execution of the statute of provisors, a great part of the <sup>1532</sup> profit, and still more of the power of the court of Rome was cut off; and the connections between the pope and the English clergy were in some measure dissolved. The next session found both king and parliament in the same dispositions. An act was passed against levying the annates or first-fruits,<sup>57</sup> being a year's rent of all the bishoprics that fell vacant; a tax which was imposed by the court of Rome for granting bulls to the new prelates, and which was found to amount to considerable sums.

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<sup>56</sup> Antiq. Brit. Eccles. p. 325. Burnet, vol. i. p. 106.

<sup>57</sup> Holingshed, p. 923.

<sup>58</sup> Hall's Chronicle. Holingshed, p. 923. Baker, p. 208.

<sup>59</sup> Burnet, vol. i. Collect. No. 41. Strype, vol. i. p. 144.

Since the second of Henry VII., no less than one hundred and sixty thousand pounds had been transmitted to Rome on account of this claim; which the parliament, therefore, reduced to five per cent. on all the episcopal benefices. The better to keep the pope in awe, the king was intrusted with a power of regulating these payments, and of confirming or infringing this act at his pleasure; and it was voted, that any censures which should be passed by the court of Rome on account of that law, should be entirely disregarded, and that mass should be said, and the sacraments administered, as if no such censures had been issued.

This session, the commons preferred to the king a long complaint against the abuses and oppressions of the ecclesiastical courts; and they were proceeding to enact laws for remedying them, when a difference arose, which put an end to the session before the parliament had finished

all their business. It was become a custom for men to make such settlements, or trust deeds, of their lands by will, that they defrauded not only the king, but all other lords, of their wards, marriages, and reliefs; and by the same artifice the king was deprived of his premier seizin, and the profits of the livery, which were no inconsiderable branches of his revenue. Henry made a bill be drawn to moderate, not remedy altogether, this abuse; he was contented, that every man should have the liberty of disposing in this manner of the half of his land; and he told the parliament in plain terms, “if they would not take a reasonable thing when it was offered, he would search out the extremity of the law; and then would not offer them so much again.” The lords came willingly into his terms; but the commons rejected the bill; a singular instance, where Henry might see that his power and authority, though extensive, had yet some boundaries. The commons, however, found reason to repent of their victory. The king made good his threats: he called together the judges and ablest lawyers, who argued the question in chancery; and it was decided that a man could not by law bequeath any part of his lands in prejudice of his heir.<sup>58</sup>

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<sup>60</sup> Burnet, vol. i. p. 116. Hall. Parl. Hist.

The parliament being again assembled after a short prorogation, the king caused the two oaths to be read to them, that which the bishops took to the pope, and that to the king, on their installation; and as a contradiction might be suspected between them, while the prelates seemed to swear allegiance to two sovereigns;<sup>59</sup> the parliament showed their intention of abolishing the oath to the pope, when their proceedings were suddenly stopped by the breaking out of the plague at Westminster, which occasioned a prorogation. It is remarkable, that one Temse ventured this session to move, that the house should address the king, to take back the queen, and stop the prosecution of his divorce. This motion made the king send for Audley, the speaker, and explain to him the scruples with which his conscience had long been burdened; scruples, he said, which had proceeded from no wanton appetite, which had arisen after the fervors of youth were past, and which were confirmed by the concurring sentiments of all the learned societies in Europe. Except in Spain and Portugal, he

added, it was never heard of, that any man had espoused two sisters; but he himself had the misfortune, he believed, to be the first Christian man that had ever married his brother's widow.<sup>60</sup>

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<sup>61</sup> Burnet, vol. i. p. 123, 124.

<sup>62</sup> Herbert. Hall, fol. 205.

After the prorogation, Sir Thomas More, the chancellor, foreseeing that all the measures of the king and parliament led to a breach with the church of Rome, and to an alteration of religion, with which his principles would not permit him to concur, desired leave to resign the great seal; and he descended from his high station with more joy and alacrity than he had mounted up to it. The austerity of this man's virtue, and the sanctity of his manners, had nowise encroached on the gentleness of his temper, or even diminished that frolic and gayety to which he was naturally inclined. He sported with all the varieties of fortune into which he was thrown; and neither the pride naturally attending a high station, nor the melancholy incident to poverty and retreat, could ever lay hold of his serene and equal spirit. While his family discovered symptoms of sorrow on laying down the grandeur and magnificence to which they had been accustomed, he drew a subject of mirth from their distresses; and made them ashamed of losing even a moment's cheerfulness on account of such trivial misfortunes. The king, who had entertained a high opinion of his virtue, received his resignation with some difficulty; and he delivered the great seal soon after to Sir Thomas Audley.

During these transactions in England, and these invasions of the papal and ecclesiastical authority, the court of Rome was not without solicitude; and she entertained just apprehensions of losing entirely her authority in England; the kingdom which, of all others, had long been the most devoted to the holy see and which had yielded it the most ample revenue. While the imperial cardinals pushed Clement to proceed to extremities against the king, his more moderate and impartial counsellors represented to him the indignity of his proceedings; that a great monarch, who had signalized himself, both by his pen and his sword, in the cause of

the pope, should be denied a favor which he demanded on such just grounds, and which had scarcely ever before been refused to any person of his rank and station. Notwithstanding these remonstrances, the queen's appeal was received at Rome; the king was cited to appear; and several consistories were held, to examine the validity of their marriage. Henry was determined not to send any proxy to plead his cause before this court: he only despatched Sir Edward Karne and Dr. Bonner, in quality of excusators, (so they were called,) to carry his apology, for not paying that deference to the papal authority. The prerogatives of his crown, he said, must be sacrificed, if he allowed appeals from his own kingdom; and as the question regarded conscience, not power or interest, no proxy could supply his place, or convey that satisfaction which the dictates of his own mind alone could confer. In order to support himself in this measure, and add greater security to his intended defection from Rome, he procured an interview with Francis at Boulogne and Calais, where he renewed his personal friendship as well as public alliance with that monarch, and concerted all measures for their mutual defence. He even employed arguments, by which he believed he had persuaded Francis to imitate his example in withdrawing his obedience from the bishop of Rome, and administering ecclesiastical affairs without having further recourse to that see. And being now fully determined in his own mind, as well as resolute to stand all consequences, he privately celebrated his marriage with Anne Boleyn, whom he had previously created marchioness of Pembroke. Rouland Lee, soon after raised to the bishopric of Coventry, officiated at the marriage. The duke of Norfolk, uncle to the new queen, her father, mother, and brother, together with Dr. Cranmer, were present at the ceremony.<sup>61</sup>.....

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<sup>63</sup> ..... Herbert, p. 340, 341.

Anne became pregnant soon after her marriage, and this event both gave great satisfaction to the king, and was regarded by the people as a strong proof of the queen's former modesty and virtue.

The parliament was again assembled; and Henry, in conjunction with <sup>1533</sup>. the great council of the nation, proceeded still in those gradual and secure

steps, by which they loosened their connections with the see of Rome, and repressed the usurpations of the Roman pontiff. An act was made against all appeals to Rome in causes of matrimony, divorces, wills, and other suits cognizable in ecclesiastical courts; appeals esteemed dishonorable to the kingdom, by subjecting it to a foreign jurisdiction; and found to be very vexatious by the expense and the delay of justice which necessarily attended them.<sup>62</sup> The more to show his disregard to the pope, Henry, finding the new queen's pregnancy to advance, publicly owned his marriage; and in order to remove all doubts with regard to its lawfulness, he prepared measures for declaring, by a formal sentence, the invalidity of his marriage with Catharine; a sentence which ought naturally to have preceded his espousing of Anne.<sup>63</sup>

The king, even amidst his scruples and remorse on account of his first marriage, had always treated Catharine with respect and distinction; and he endeavored, by every soft and persuasive art, to engage her to depart from her appeal to Rome, and her opposition to his divorce. Finding her obstinate in maintaining the justice of her cause, he had totally forborne all visits and intercourse with her; and had desired her to make choice of any one of his palaces, in which she should please to reside. She had fixed her abode for some time at Amphill, near Dunstable; and it was in this latter town that Cranmer, now created archbishop of Canterbury, on the death of Warham,<sup>64</sup> was appointed to open his court for examining the validity of her marriage. The near neighborhood of the place was chosen, in order to deprive her of all plea of ignorance; and as she made no answer to the citation, either by herself or proxy, she was declared "contumacious;" and the primate proceeded to the examination of the cause.

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<sup>64</sup> ..... 24 Henry VIII. c. 12.

<sup>65</sup> ..... Collier, vol. ii. p. 31, and Records, No. 8.

<sup>66</sup> ..... Bishop Burnet has given us an account of the number of bulls requisite for Cranmer's installation. By one bull, directed to the king, he is, upon the royal nomination, made archbishop of Canterbury. By a second, directed to himself, he is also made archbishop. By a third, he is absolved from all censures. A fourth is directed to the suffragans, requiring them to receive and acknowledge him as archbishop. A fifth to the dean and chapter, to the



same purpose. A sixth to the clergy of Canterbury. A seventh to all the laity in his see. An eighth to all that held lands of it. By a ninth he was ordered to be consecrated, taking the oath that was in the pontifical. By a tenth the pall was sent him. By an eleventh the archbishop of York and the bishop of London were required to put it on him. These were so many devices to draw fees to offices which the popes had erected, and disposed of for money. It may be worth observing, that Cranmer, before he took the oath to the pope, made a protestation, that he did not intend thereby to restrain himself from any thing that he was bound to, either by his duty to God, the king, or the country; and that he renounced every thing in it that was contrary to any of these. This was the invention of some casuist, and not very compatible with that strict sincerity, and that scrupulous conscience, of which Cranmer made profession. Collier, vol. ii. in Coll No. 22. Burnet, vol. i. p. 128, 129.]

The evidences of Arthur's consummation of his marriage were anew produced; the opinions of the universities were read, together with the judgment pronounced two years before by the convocations both of Canterbury and York, and after these preliminary steps, Cranmer proceeded to a sentence, and annulled the king's marriage with Catharine as unlawful and invalid. By a subsequent sentence, he ratified the marriage with Anne Boleyn, who soon after was publicly crowned queen, with all the pomp and dignity suited to that ceremony.<sup>65</sup> To complete the king's satisfaction on the conclusion of this intricate and vexatious affair, she was safely delivered of a daughter, who received the name of Elizabeth, and who afterwards swayed the sceptre with such renown and felicity. Henry was so much delighted with the birth of this child, that soon after he conferred on her the title of princess of Wales,<sup>66</sup> a step somewhat irregular, as she could only be presumptive, not apparent heir of the crown. But he had, during his former marriage, thought proper to honor his daughter Mary with that title; and he was determined to bestow on the offspring of his present marriage the same mark of distinction, as well as to exclude the elder princess from all hopes of the succession. His regard for the new queen seemed rather to increase than diminish by his marriage; and all men expected to see the entire ascendant of one who had mounted a throne from which her birth had set her at so great a distance, and who, by a proper mixture of severity and indulgence, had long managed so intractable a spirit as that of Henry. In order to efface as much as possible all marks of his first marriage, Lord Mountjoy was sent to the

unfortunate and divorced queen, to inform her, that she was thenceforth to be treated only as princess dowager of Wales; and all means were employed to make her acquiesce in that determination. But she continued obstinate in maintaining the validity of her marriage; and she would admit no person to her presence who did not approach her with the accustomed ceremonial. Henry, forgetting his wonted generosity towards her, employed menaces against such of her servants as complied with her commands in this particular; but was never able to make her relinquish her title and pretensions.<sup>67</sup>

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<sup>67</sup> Heylin, p. 6.

<sup>68</sup> Burnet, vol. i, p. 134.

<sup>69</sup> Herbert, p. 326. Burnet, vol. i. p. 132.

When intelligence was conveyed to Rome of these transactions, so injurious to the authority and reputation of the holy see, the conclave was in a rage, and all the cardinals of the imperial faction urged the pope to proceed to a definitive sentence, and to dart his spiritual thunders against Henry. But Clement proceeded no further than to declare the nullity of Cranmer's sentence, as well as that of Henry's second marriage; threatening him with excommunication, if before the first of November ensuing he did not replace every thing in the condition in which it formerly stood.<sup>68</sup> An event had happened from which the pontiff expected a more amicable conclusion of the difference, and which hindered him from carrying matters to extremity against the king.

The pope had claims upon the duchy of Ferrara for the sovereignty of Reggio and Modena;<sup>69</sup> and having submitted his pretensions to the arbitration of the emperor, he was surprised to find a sentence pronounced against him. Enraged at this disappointment, he hearkened to proposals of amity from Francis; and when that monarch made overtures of marrying the duke of Orleans, his second son, to Catharine of Medicis, niece of the pope, Clement gladly embraced an alliance by which his family was so much honored. An interview was even appointed between the pope and French king at Marseilles; and Francis, as a common friend, there

employed his good offices in mediating an accommodation between his new ally and the king of England.

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<sup>70</sup>..... Le Grand, vol. iii. p. 566.

<sup>71</sup>..... Burnet, vol. ii. p. 133. Guicciard.

Had this connection of France with the court of Rome taken place a few years sooner, there had been little difficulty in adjusting the quarrel with Henry. The king's request was an ordinary one; and the same plenary power of the pope which had granted a dispensation for his espousing of Catharine, could easily have annulled the marriage. But, in the progress of the quarrel, the state of affairs was much changed on both sides. Henry had shaken off much of that reverence which he had early imbibed for the apostolic see; and finding that his subjects of all ranks had taken part with him, and willingly complied with his measures for breaking off foreign dependence, he had begun to relish his spiritual authority, and would scarcely, it was apprehended, be induced to renew his submissions to the Roman pontiff. The pope, on the other hand, now ran a manifest risk of infringing his authority by a compliance with the king; and as a sentence of divorce could no longer be rested on nullities in Julius's bull, but would be construed as an acknowledgment of papal usurpations, it was foreseen that the Lutherans would thence take occasion of triumph, and would persevere more obstinately in their present principles. But notwithstanding these obstacles, Francis did not despair of mediating an agreement. He observed that the king had still some remains of prejudice in favor of the Catholic church, and was apprehensive of the consequences which might ensue from too violent innovations. He saw the interest that Clement had in preserving the obedience of England, which was one of the richest jewels in the papal crown. And he hoped that these motives on both sides would facilitate a mutual agreement, and would forward the effects of his good offices.

Francis first prevailed on the pope to promise, that if the king would <sup>1534</sup> send a proxy to Rome, and thereby submit his cause to the holy see, he should appoint commissioners to meet at Cambray, and form the process;

and he should immediately afterwards pronounce the sentence of divorce required of him. Bellay, bishop of Paris, was next despatched to London, and obtained a promise from the king that he would submit his cause to the Roman consistory, provided the cardinals of the imperial faction were excluded from it. The prelate carried this verbal promise to Rome; and the pope agreed that, if the king would sign a written agreement to the same purpose, his demands should be fully complied with. A day was appointed for the return of the messengers; and all Europe regarded this affair, which had threatened a violent rupture between England and the Romish church, as drawing towards an amicable conclusion.<sup>70</sup> But the greatest affairs often depend on the most frivolous incidents. The courier who carried the king's written promise was detained beyond the day appointed: news was brought to Rome that a libel had been published in England against the court of Rome, and a farce acted before the king in derision of the pope and cardinals.<sup>71</sup>

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<sup>72</sup> Father Paul, lib. i.

<sup>73</sup> Father Paul, lib. i.

The pope and cardinals entered into the consistory inflamed with anger; and by a precipitate sentence the marriage of Henry and Catharine was pronounced valid, and Henry declared to be excommunicated if he refused to adhere to it. Two days after, the courier arrived; and Clement, who had been hurried from his usual prudence, found that though he heartily repented of this hasty measure, it would be difficult for him to retract it, or replace affairs on the same footing as before.

It is not probable that the pope, had he conducted himself with ever so great moderation and temper, could hope, during the lifetime of Henry, to have regained much authority or influence in England. That monarch was of a temper both impetuous and obstinate; and having proceeded so far in throwing off the papal yoke, he never could again have been brought tamely to bend his neck to it. Even at the time when he was negotiating a reconciliation with Rome, he either entertained so little hopes of success, or was so indifferent about the event, that he had assembled a parliament,

and continued to enact laws totally destructive of the papal authority. The people had been prepared by degrees for this great innovation. Each preceding session had retrenched somewhat from the power and profits of the pontiff. Care had been taken, during some years, to teach the nation that a general council was much superior to a pope. But now a bishop preached every Sunday at Paul's Cross, in order to inculcate the doctrine that the pope was entitled to no authority at all beyond the bounds of his own diocese.<sup>72</sup> The proceedings of the parliament showed that they had entirely adopted this opinion; and there is reason to believe that the king, after having procured a favorable sentence from Rome, which would have removed all doubts with regard to his second marriage and the succession, might indeed have lived on terms of civility with the Roman pontiff, but never would have surrendered to him any considerable share of his assumed prerogative. The importance of the laws passed this session, even before intelligence arrived of the violent resolutions taken at Rome, is sufficient to justify this opinion.

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<sup>74</sup> Burnet, vol. i. p. 144.

All payments made to the apostolic chamber, all provisions, bulls, dispensations, were abolished: monasteries were subjected to the visitation and government of the king alone: the law for punishing heretics was moderated: the ordinary was prohibited from imprisoning or trying any person upon suspicion alone, without presentment by two lawful witnesses; and it was declared, that to speak against the pope's authority was no heresy: bishops were to be appointed, by a *congé d'élire* from the crown, or, in case of the dean and chapter's refusal, by letters patent; and no recourse was to be had to Rome for pails, bulls, or provisions; Campeggio and Ghinucci, two Italians, were deprived of the bishoprics of Salisbury and Worcester, which they had hitherto enjoyed:<sup>73</sup> the law which had been formerly made against paying annates or first-fruits, but which had been left in the king's power to suspend or enforce, was finally established: and a submission which was exacted two years before from the clergy, and which had been obtained with great difficulty, received this session the sanction of parliament.<sup>74</sup> In this submission, the clergy

acknowledged that convocations ought to be assembled by the king's authority only; they promised to enact no new canons without his consent; and they agreed that he should appoint thirty-two commissioners, in order to examine the old canons, and abrogate such as should be found prejudicial to his royal prerogative.<sup>75</sup> An appeal was also allowed from the bishop's court to the king in chancery.

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<sup>75</sup> Le Neve's *Fasti Eccles. Angl.*

<sup>76</sup> 25 Henry VIII. cap, 19.

<sup>77</sup> Collier, vol. ii. p. 69, 70.

But the most important law passed this session was that which regulated the succession to the crown: the marriage of the king with Catharine was declared unlawful, void, and of no effect: the primate's sentence annulling it was ratified: and the marriage with Queen Anne was established and confirmed. The crown was appointed to descend to the issue of this marriage, and failing them, to the king's heirs forever. An oath likewise was enjoined to be taken in favor of this order of succession, under the penalty of imprisonment during the king's pleasure, and forfeiture of goods and chattels. And all slander against the king, queen, or their issue, was subjected to the penalty of misprision of treason. After these compliances, the parliament was prorogued; and those acts, so contemptuous towards the pope, and so destructive of his authority, were passed at the very time that Clement pronounced his hasty sentence against the king. Henry's resentment against Queen Catharine, on account of her obstinacy, was the reason why he excluded her daughter from all hopes of succeeding to the crown; contrary to his first intentions, when he began the process of divorce, and of dispensation for a second marriage.

The king found his ecclesiastical subjects as compliant as the laity. The convocation ordered that the act against appeals to Rome, together with the king's appeal from the pope to a general council should be affixed to the doors of all the churches in the kingdom: and they voted that the bishop of Rome had, by the law of God, no more jurisdiction in England than any other foreign bishop; and that the authority which he and his

predecessors had there exercised, was only by usurpation, and by the sufferance of English princes. Four persons alone opposed this vote in the lower house, and one doubted. It passed unanimously in the upper. The bishops went so far in their complaisance, that they took out new commissions from the crown, in which all their spiritual and episcopal authority was expressly affirmed to be derived ultimately from the civil magistrate, and to be entirely dependent on his good pleasure.<sup>76</sup>.....

The oath regarding the succession was generally taken throughout the kingdom. Fisher, bishop of Rochester, and Sir Thomas More, were the only persons of note that entertained scruples with regard to its legality. Fisher was obnoxious on account of some practices into which his credulity, rather than any bad intentions, seems to have betrayed him. But More was the person of greatest reputation in the kingdom for virtue and integrity; and as it was believed that his authority would have influence on the sentiments of others, great pains were taken to convince him of the lawfulness of the oath. He declared that he had no scruple with regard to the succession, and thought that the parliament had full power to settle it: he offered to draw an oath himself which would insure his allegiance to the heir appointed; but he refused the oath prescribed by law; because the preamble of that oath asserted the legality of the king's marriage with Anne, and thereby implied that his former marriage with Catharine was unlawful and invalid. Cramner, the primate, and Cromwell, now secretary of state, who highly loved and esteemed More, entreated him to lay aside his scruples; and their friendly importunity seemed to weigh more with him than all the penalties attending his refusal.<sup>77</sup> He persisted, however, in a mild though firm manner, to maintain his resolution; and the king, irritated against him as well as Fisher, ordered both to be indicted upon the statute, and committed prisoners to the Tower.

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<sup>78</sup>..... Collier's Eccles. Hist. vol. ii.

<sup>79</sup>..... Burnet, vol. i. p. 156.

The parliament, being again assembled, conferred on the king the title of the only supreme "head" on earth of the church of England; as they had

already invested him with all the real power belonging to it. In this memorable act, the parliament granted him power, or rather acknowledged his inherent power, “to visit, and repress, redress, reform, order, correct, restrain, or amend all errors, heresies, abuses, offences, contempts, and enormities, which fell under any spiritual authority or jurisdiction.”<sup>78</sup> They also declared it treason to attempt, imagine, or speak evil against the king, queen, or his heirs; or to endeavor depriving them of their dignities or titles. They gave him a right to all the annates and tithes of benefices which had formerly been paid to the court of Rome. They granted him a subsidy and a fifteenth. They attainted More and Fisher for misprision of treason. And they completed the union of England and Wales, by giving to that principality all the benefit of the English laws.

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<sup>80</sup> ..... 26 Henry VIII. cap. 1.

Thus the authority of the popes, like all exorbitant power, was ruined by the excess of its acquisitions, and by stretching its pretensions beyond what it was possible for any human principles or prepossessions to sustain. Indulgences had in former ages tended extremely to enrich the holy see; but being openly abused, they served to excite the first commotions and opposition in Germany. The prerogative of granting dispensations had also contributed much to attach all the sovereign princes and great families in Europe to the papal authority; but meeting with an unlucky concurrence of circumstances, was now the cause why England separated herself from the Romish communion. The acknowledgment of the king’s supremacy introduced there a greater simplicity in the government, by uniting the spiritual with the civil power, and preventing disputes about limits, which never could be exactly determined between the contending jurisdictions. A way was also prepared for checking the exorbitances of superstition, and breaking those shackles by which all human reason, policy, and industry had so long been encumbered. The prince, it may be supposed, being head of the religion, as well as of the temporal jurisdiction of the kingdom, though he might sometimes employ the former as an engine of government, had no interest, like the Roman pontiff, in nourishing its excessive growth; and,



except when blinded by his own ignorance or bigotry, would be sure to retain it within tolerable limits, and prevent its abuses. And on the whole, there followed from this revolution many beneficial consequences; though perhaps neither foreseen nor intended by the persons who had the chief hand in conducting it.

While Henry proceeded with so much order and tranquillity in changing the national religion, and while his authority seemed entirely secure in England, he was held in some inquietude by the state of affairs in Ireland and in Scotland.

The earl of Kildare was deputy of Ireland, under the duke of Richmond, the king's natural son, who bore the title of lieutenant; and as Kildare was accused of some violences against the family of Ossory, his hereditary enemies, he was summoned to answer for his conduct. He left his authority in the hands of his son, who, hearing that his father was thrown into prison, and was in danger of his life, immediately took up arms, and joining himself to Oneale, Ocarrol, and other Irish nobility, committed many ravages, murdered Allen, archbishop of Dublin, and laid siege to that city. Kildare meanwhile died in prison; and his son, persevering in his revolt, made applications to the emperor, who promised him assistance. The king was obliged to send over some forces to Ireland, which so harassed the rebels, that this young nobleman, finding the emperor backward in fulfilling his promises, was reduced to the necessity of surrendering himself prisoner to Lord Leonard Gray, the new deputy, brother to the marquis of Dorset. He was carried over to England, together with his five uncles; and after trial and conviction, they were all brought to public justice; though two of the uncles, in order to save the family, had pretended to join the king's party.

The earl of Angus had acquired the entire ascendant in Scotland; and having gotten possession of the king's person then in early youth, he was able, by means of that advantage, and by employing the power of his own family, to retain the reins of government. The queen dowager, however, his consort, bred him great disturbance. For having separated herself from him on account of some jealousies and disgusts, and having procured a divorce, she had married another man of quality, of the name of Stuart; and she joined all the discontented nobility who opposed Angus's

authority. James himself was dissatisfied with the slavery to which he was reduced, and by secret correspondence he incited first Walter Scot, then the earl of Lenox, to attempt by force of arms the freeing him from the hands of Angus. Both enterprises failed of success: but James, impatient of restraint, found means at last of escaping to Stirling, where his mother then resided; and having summoned all the nobility to attend him, he overturned the authority of the Douglasses, and obliged Angus and his brother to fly into England, where they were protected by Henry. The king of Scotland, being now arrived at years of majority, took the government into his own hands; and employed him self with great spirit and valor in repressing those feuds, ravages, and disorders, which, though they disturbed the course of public justice, served to support the martial spirit of the Scots, and contributed by that means to maintain national independency. He was desirous of renewing the ancient league with the French nation; but finding Francis in close union with England, and on that account somewhat cold in hearkening to his proposals, he received the more favorably the advances of the emperor, who hoped, by means of such an ally, to breed disturbance to England, He offered the Scottish king the choice of three princesses, his own near relations, and all of the name of Mary; his sister, the dowager of Hungary; his niece, a daughter of Portugal; or his cousin, the daughter of Henry, whom he pretended to dispose of unknown to her father. James was more inclined to the latter proposal, had it not, upon reflection, been found impracticable; and his natural propensity to France at last prevailed over all other considerations. The alliance with Francis necessarily engaged James to maintain peace with England. But though invited by his uncle Henry to confer with him at Newcastle, and concert common measures for repressing the ecclesiastics in both kingdoms, and shaking off the yoke of Rome, he could not be prevailed on, by entering England, to put himself in the king's power. In order to have a pretext for refusing the conference, he applied to the pope, and obtained a brief, forbidding him to engage in any personal negotiations with an enemy of the holy see. From these measures Henry easily concluded that he could very little depend on the friendship of his nephew. But those events took not place till some time after our present period.



## CHAPTER 32.

### HENRY VIII.

The ancient and almost uninterrupted opposition of interests between <sup>1534</sup> the laity and clergy in England, and between the English clergy and the court of Rome, had sufficiently prepared the nation for a breach with the sovereign pontiff; and men had penetration enough to discover abuses which were plainly calculated for the temporal advantages of the hierarchy, and which they found destructive of their own. These subjects seemed proportioned to human understanding; and even the people, who felt the power of interest in their own breasts, could perceive the purpose of those numerous inventions which the interested spirit of the Roman pontiff had introduced into religion. But when the reformers proceeded thence to dispute concerning the nature of the sacraments, the operations of grace, the terms of acceptance with the Deity, men were thrown into amazement, and were, during some time, at a loss how to choose their party. The profound ignorance in which both the clergy and laity formerly lived, and their freedom from theological altercations, had produced a sincere but indolent acquiescence in received opinions; and the multitude were neither attached to them by topics of reasoning, nor by those prejudices and antipathies against opponents, which have ever a more natural and powerful influence over them. As soon, therefore, as a new opinion was advanced, supported by such an authority as to call up their attention, they felt their capacity totally unfitted for such disquisitions; and they perpetually fluctuated between the contending parties. Hence the quick and violent movements by which the people were agitated, even in the most opposite directions: hence their seeming prostitution, in sacrificing to present power the most sacred principles: and hence the rapid progress during some time, and the sudden as well as entire check soon after, of the new doctrines. When men were once settled in their particular sects, and had fortified themselves in an habitual detestation of those who were denominated heretics, they adhered with more obstinacy to the principles of their education; and the limits of the two religions thenceforth remained fixed and unchangeable.

Nothing more forwarded the first progress of the reformers, than the offer which they made of submitting all religious doctrines to private judgment, and the summons given every one to examine the principles formerly imposed upon him. Though the multitude were totally unqualified for this undertaking, they yet were highly pleased with it. They fancied that they were exercising their judgment, while they opposed to the prejudices of ancient authority more powerful prejudices of another kind. The novelty itself of the doctrines; the pleasure of an imaginary triumph in dispute; the fervent zeal of the reformed preachers; their patience, and even alacrity, in suffering persecution, death, and torments; a disgust at the restraints of the old religion; an indignation against the tyranny and interested spirit of the ecclesiastics; these motives were prevalent with the people, and by such considerations were men so generally induced, during that age, to throw off the religion of their ancestors.

But in proportion as the practice of submitting religion to private judgment was acceptable to the people, it appeared in some respects dangerous to the rights of sovereigns, and seemed to destroy that implicit obedience on which the authority of the civil magistrate is chiefly founded. The very precedent of shaking so ancient and deep-founded an establishment as that of the Romish hierarchy, might, it was apprehended, prepare the way for other innovations. The republican spirit which naturally took place among the reformers, increased this jealousy. The furious insurrections of the populace, excited by Muncer and other Anabaptists in Germany,<sup>1</sup> furnished a new pretence for decrying the reformation. Nor ought we to conclude, because Protestants in our time prove as dutiful subjects as those of any other communion, that therefore such apprehensions were altogether without any shadow of plausibility. Though the liberty of private judgment be tendered to the disciples of the reformation, it is not in reality accepted of; and men are generally contented to acquiesce implicitly in those establishments, however new, into which their early education has thrown them.

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<sup>1</sup> Sleidan, lib. iv. and v.

No prince in Europe was possessed of such absolute authority as Henry, not even the pope himself, in his own capital, where he united both the civil and ecclesiastical powers; <sup>2</sup> and there was small likelihood, that any doctrine which lay under the imputation of encouraging sedition could ever pretend to his favor and countenance.

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<sup>2</sup> Here are the terms in which the king's minister expressed himself to the pope. "An non, inquam, sanctitas vestra plerosque habet quibuscum arcanum aliquid crediderit, putet id non minus celatum esse quam si uno tantum pectore contineretur; quod multo magis serenissimo Angliæ regi evenire debet, cui singuli in suo regno sunt subjecti, neque etiam velint, possunt regi non esse fidelissimi. Væ namque illis, si vel parvo momento ab illius voluntate recederent". Le Grand, tom. iii. p. 113. The king once said publicly before the council, that if any one spoke of him or his actions in terms which became them not, he would let them know that he was master. "Et qu'il n'y auroit si belle tête qu'il ne fit voler." Id. p. 218.]

But besides this political jealousy, there was another reason which inspired this imperious monarch with an aversion to the reformers. He had early declared his sentiments against Luther; and having entered the lists in those scholastic quarrels, he had received from his courtiers and theologians infinite applause for his performance. Elated by this imaginary success, and blinded by a natural arrogance and obstinacy of temper, he had entertained the most lofty opinion of his own erudition; and he received with impatience, mixed with contempt, any contradiction to his sentiments. Luther also had been so imprudent as to treat in a very indecent manner his royal antagonist; and though he afterwards made the most humble submissions to Henry, and apologized for the vehemence of his former expressions, he never could efface the hatred which the king had conceived against him and his doctrines. The idea of heresy still appeared detestable as well as formidable to that prince; and whilst his resentment against the see of Rome had corrected one considerable part of his early prejudices, he had made it a point of honor never to relinquish the remainder. Separate as he stood from the Catholic church, and from the Roman pontiff, the head of it, he still valued himself on maintaining the Catholic doctrine, and on guarding, by fire and sword, the imagined purity of his speculative principles.

Henry's ministers and courtiers were of as motley a character as his conduct; and seemed to waver, during this whole reign, between the ancient and the new religion. The queen, engaged by interest as well as inclination, favored the cause of the reformers: Cromwell, who was created secretary of state, and who was daily advancing in the king's confidence, had embraced the same views; and as he was a man of prudence and abilities, he was able, very effectually, though in a covert manner, to promote the late innovations: Cranmer, archbishop of Canterbury, had secretly adopted the Protestant tenets; and he had gained Henry's friendship by his candor and sincerity; virtues which he possessed in as eminent a degree as those times, equally distracted with faction and oppressed by tyranny, could easily permit. On the other hand, the duke of Norfolk adhered to the ancient faith, and by his high rank, as well as by his talents, both for peace and war, he had great authority in the king's council: Gardiner, lately created bishop of Winchester, had enlisted himself in the same party; and the suppleness of his character, and dexterity of his conduct, had rendered him extremely useful to it.

All these ministers, while they stood in the most irreconcilable opposition of principles to each other, were obliged to disguise their particular opinions, and to pretend an entire agreement with the sentiments of their master. Cromwell and Cranmer still carried the appearance of a conformity to the ancient speculative tenets; but they artfully made use of Henry's resentment to widen the breach with the see of Rome. Norfolk and Gardiner feigned an assent to the king's supremacy, and to his renunciation of the sovereign pontiff; but they encouraged his passion for the Catholic faith, and instigated him to punish those daring heretics who had presumed to reject his theological principles. Both sides hoped, by their unlimited compliance, to bring him over to their party: the king, meanwhile, who held the balance between the factions, was enabled, by the courtship paid him both by Protestants and Catholics, to assume an unbounded authority: and though in all his measures he was really driven by his ungoverned humor, he casually steered a course which led more certainly to arbitrary power, than any which the most profound politics could have traced out to him. Artifice, refinement, and hypocrisy, in his situation, would have put both parties on their guard against him, and would have taught them reserve in complying with a monarch whom they

could never hope thoroughly to have gained; but while the frankness, sincerity, and openness of Henry's temper were generally known, as well as the dominion of his furious passions, each side dreaded to lose him by the smallest opposition, and flattered themselves that a blind compliance with his will would throw him cordially and fully into their interests.

The ambiguity of the king's conduct, though it kept the courtiers in awe, served, in the main, to encourage the Protestant doctrine among his subjects, and promoted that spirit of innovation with which the age was generally seized, and which nothing but an entire uniformity, as well as a steady severity in the administration, could be able to repress. There were some Englishmen, Tindal, Joye, Constantine, and others, who, dreading the exertion of the king's authority had fled to Antwerp;<sup>3</sup> where the great privileges possessed by the Low Country provinces served, during some time, to give them protection. These men employed themselves in writing English books against the corruptions of the church of Rome; against images, relics, pilgrimages; and they excited the curiosity of men with regard to that question, the most important in theology, the terms of acceptance with the Supreme Being, In conformity to the Lutherans and other Protestants, they asserted that salvation was obtained by faith alone; and that the most infallible road to perdition<sup>4</sup> was a reliance on "good works;" by which terms they understood as well the moral duties as the ceremonial and monastic observances.

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<sup>3</sup> Burnet, vol. i. p. 159.

<sup>4</sup> Sacrilegium est et impietas velle placere Deo per opera et non per solam fidem. Luther adversus regem. Ita vides quam dives sit homo Christianus sive baptizatus, qui etiam

<sup>5</sup> olens non protest perdere salutem suam quantiscunque peccatis. Nulla enim peccata possunt eum damnare nisi incredulitas. Id. de Captivitate Bábyloniae.

The defenders of the ancient religion, on the other hand, maintained the efficacy of good works; but though they did not exclude from this appellation the social virtues, it was still the superstitions gainful to the church which they chiefly extolled and recommended. The books



composed by these fugitives, having stolen over to England, began to make converts every where; but it was a translation of the Scriptures by Tindal that was esteemed the most dangerous to the established faith. The first edition of this work, composed with little accuracy, was found liable to considerable objections; and Tindal, who was poor, and could not afford to lose a great part of the impression, was longing for an opportunity of correcting his errors, of which he had been made sensible. Tonstal, then bishop of London, soon after of Durham, a man of great moderation, being desirous to discourage, in the gentlest manner, these innovations, gave private orders for buying up all the copies that could be found at Antwerp; and he burned them publicly in Cheapside. By this measure he supplied Tindal with money, enabled him to print a new and correct edition of his work, and gave great scandal to the people, in thus committing to the flames the word of God.<sup>5</sup>

The disciples of the reformation met with little severity during the ministry of Wolsey, who, though himself a clergyman, bore too small a regard to the ecclesiastical order to serve as an instrument of their tyranny: it was even an article of impeachment against him,<sup>6</sup> that by his connivance he had encouraged the growth of heresy, and that he had protected and acquitted some notorious offenders. Sir Thomas More, who succeeded Wolsey as chancellor, is at once an object deserving our compassion, and an instance of the usual progress of men's sentiments during that age. This man, whose elegant genius and familiar acquaintance with the noble spirit of antiquity had given him very enlarged sentiments, and who had in his early years advanced principles which even at present would be deemed somewhat too free, had, in the course of events, been so irritated by polemics, and thrown into such a superstitious attachment to the ancient faith, that few inquisitors have been guilty of greater violence in their prosecution of heresy. Though adorned with the gentlest manners, as well as the purest integrity, he carried to the utmost height his aversion to heterodoxy; and James Bainham, in particular, a gentleman of the Temple, experienced from him the greatest severity. Bainham, accused of favoring the new opinions, was carried to More's house; and having refused to discover his accomplices, the chancellor ordered him to be whipped in his presence, and afterwards sent him to the Tower, where he himself saw him put to the torture. The unhappy gentleman, overcome by

all these severities, abjured his opinions; but feeling afterwards the deepest compunction for his apostasy, he openly returned to his former tenets, and even courted the crown of martyrdom. He was condemned as an obstinate and relapsed heretic, and was burned in Smithfield.<sup>7</sup>

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<sup>6</sup> Hall. fol. 186. Fox, vol. i. p. 138. Burnet, vol. i p. 159.

<sup>7</sup> Articles of impeachment in Herbert. Burnet.

<sup>8</sup> Fox. Burnet, vol i. p. 165.

Many were brought into the bishops' courts for offences which appear trivial, but which were regarded as symbols of the party: some for teaching their children the Lord's prayer in English; others for reading the New Testament in that language, or for speaking against pilgrimages. To harbor the persecuted preachers, to neglect the fasts of the church, to declaim against the vices of the clergy, were capital offences. One Thomas Bilney, a priest, who had embraced the new doctrine, had been terrified into an abjuration; but was so haunted by remorse, that his friends dreaded some fatal effects of his despair. At last, his mind seemed to be more relieved; but this appearing calm proceeded only from the resolution which he had taken of expiating his past offence by an open confession of the truth, and by dying a martyr to it. He went through Norfolk, teaching the people to beware of idolatry, and of trusting for their salvation either to pilgrimages, or to the cowl of St. Francis, to the prayers of the saints, or to images. He was soon seized, tried in the bishop's court, and condemned as a relapsed heretic; and the writ was sent down to burn him. When brought to the stake, he discovered such patience, fortitude, and devotion, that the spectators were much affected with the horrors of his punishment; and some mendicant friars who were present, fearing that his martyrdom would be imputed to them, and make them lose those alms which they received from the charity of the people, desired him publicly to acquit them<sup>8</sup> of having any hand in his death. He willingly complied; and by this meekness gained the more on the sympathy of the people.

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<sup>9</sup> Burnet, vol. i. p. 164.

Another person, still more heroic, being brought to the stake for denying the real presence, seemed almost in a transport of joy; and he tenderly embraced the fagots which were to be the instruments of his punishment, as the means of procuring him eternal rest. In short, the tide turning towards the new doctrine, those severe executions, which, in another disposition of men's minds, would have sufficed to suppress it, now served only to diffuse it the more among the people, and to inspire them with horror against the unrelenting persecutors.

But though Henry neglected not to punish the Protestant doctrine, which he deemed heresy, his most formidable enemies, he knew, were the zealous adherents to the ancient religion, chiefly the monks, who, having their immediate dependence on the Roman pontiff, apprehended their own ruin to be the certain consequence of abolishing his authority in England. Peyto, a friar, preaching before the king, had the assurance to tell him, "that many lying prophets had deceived him; but he, as a true Micajah, warned him, that the dogs would lick his blood, as they had done Ahab's."<sup>9</sup> The king took no notice of the insult; but allowed the preacher to depart in peace. Next Sunday he employed Dr. Corren to preach before him; who justified the king's proceedings, and gave Peyto the appellations of a rebel, a slanderer, a dog, and a traitor. Elston, another friar of the same house, interrupted the preacher, and told him that he was one of the lying prophets, who sought to establish by adultery the succession of the crown; but that he himself would justify all that Peyto had said. Henry silenced the petulant friar; but showed no other mark of resentment than ordering Peyto and him to be summoned before the council, and to be rebuked for their offence.<sup>10</sup> He even here bore patiently some new instances of their obstinacy and arrogance: when the earl of Essex, a privy councillor, told them that they deserved for their offence to be thrown into the Thames, Elston replied that the road to heaven lay as near by water as by land.<sup>11</sup>

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<sup>10</sup> Strype, vol. i. p. 167.

<sup>11</sup> Collier, vol. ii. p. 86. Burnet, vol. i. p. 151.

But several monks were detected in a conspiracy, which, as it might have proved more dangerous to the king, was on its discovery attended with more fatal consequences to themselves. Elizabeth Barton, of Aldington, in Kent, commonly called the “holy maid of Kent,” had been subject to hysterical fits, which threw her body into unusual convulsions; and having produced an equal disorder in her mind, made her utter strange sayings, which, as she was scarcely conscious of them during the time, had soon after entirely escaped her memory. The silly people in the neighborhood were struck with these appearances, which they imagined to be supernatural; and Richard Masters, vicar of the parish, a designing fellow, founded on them a project, from which he hoped to acquire both profit and consideration. He went to Warham, archbishop of Canterbury, then alive; and having given him an account of Elizabeth’s revelations, he so far wrought on that prudent but superstitious prelate, as to receive orders from him to watch her in her trances, and carefully to note down all her future sayings. The regard paid her by a person of so high a rank, soon rendered her still more the object of attention to the neighborhood; and it was easy for Masters to persuade them, as well as the maid herself, that her ravings were inspirations of the Holy Ghost. Knavery, as is usual, soon after succeeding to delusion, she learned to counterfeit trances and she then uttered, in an extraordinary tone, such speeches as were dictated to her by her spiritual director. Masters associated with him Dr. Bocking, a canon of Canterbury; and their design was to raise the credit of an image of the Virgin which stood in a chapel belonging to Masters, and to draw to it such pilgrimages as usually frequented the more famous images and relics. In prosecution of this design, Elizabeth pretended revelations which directed her to have recourse to that image for a cure; and being brought before it, in the presence of a great multitude, she fell anew into convulsions: and after distorting her limbs and countenance during a competent time, she affected to have obtained a perfect recovery by the intercession of the Virgin.<sup>12</sup> This miracle was soon bruited abroad; and the two priests, finding the imposture to succeed beyond their own expectations, began to extend their views, and to lay the foundation of

more important enterprises. They taught their penitent to declaim against the new doctrines, which she denominated heresy; against innovations in ecclesiastical government; and against the king's intended divorce from Catharine. She went so far as to assert, that if he prosecuted that design, and married another, he should not be a king a month longer, and should not an hour longer enjoy the favor of the Almighty, but should die the death of a villain. Many monks throughout England, either from folly or roguery, or from faction, which is often a complication of both, entered into the delusion; and one Deering, a friar, wrote a book of the revelations and prophecies of Elizabeth.<sup>13</sup> Miracles were daily added to increase the wonder; and the pulpit every where resounded with accounts of the sanctity and inspirations of the new prophetess. Messages were carried from her to Queen Catharine, by which that princess was exhorted to persist in her opposition to the divorce; the pope's ambassadors gave encouragement to the popular credulity; and even Fisher, bishop of Rochester, though a man of sense and learning, was carried away by an opinion so favorable to the party which he had espoused.<sup>14</sup>

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<sup>13</sup> Stowe, p. 570. Blanquet's Epitome of Chronicler.

<sup>14</sup> Strype, vol. i. p. 181.

<sup>15</sup> Collier, vol. ii. p. 87

The king at last began to think the matter worthy of his attention; and having ordered Elizabeth and her accomplices to be arrested, he brought them before the star chamber, where they freely, without being put to the torture made confession of their guilt. The parliament, in the session held the beginning of this year, passed an act of attainder against some who were engaged in this treasonable imposture,<sup>15</sup> and Elizabeth herself, Masters, Bocking, Deering, Rich, Risby, Gold, suffered for their crime. The bishop of Rochester, Abel, Addison, Lawrence, and others were condemned for misprision of treason; because they had not discovered some criminal speeches which they heard from Elizabeth;<sup>16</sup> and they were thrown into prison. The better to undeceive the multitude, the forgery of many of the prophetess's miracles was detected; and even the scandalous

prostitution of her manners was laid open to the public. Those passions which so naturally insinuate themselves amidst the warm intimacies maintained by the devotees of different sexes, had taken place between Elizabeth and her confederates; and it was found that a door to her dormitory, which was said to have been miraculously opened, in order to give her access to the chapel, for the sake of frequent converse with Heaven, had been contrived by Bocking and Masters for less refined purposes.

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<sup>16</sup> 25 Henry VIII. cap. 12. Burnet, vol. i. p. 149. Hall, fol. 220.

<sup>17</sup> Godwin's Annals, p. 53.

The detection of this imposture, attended with so many odious <sup>1535</sup> circumstances, both hurt the credit of the ecclesiastics, particularly the monks, and instigated the king to take vengeance on them. He suppressed three monasteries of the Observantine friars; and finding that little clamor was excited by this act of power, he was the more encouraged to lay his rapacious hands on the remainder. Meanwhile he exercised punishment on individuals who were obnoxious to him. The parliament had made it treason to endeavor depriving the king of his dignity or titles: they had lately added to his other titles, that of supreme head of the church: it was inferred, that to deny his supremacy was treason; and many priors and ecclesiastics lost their lives for this new species of guilt. It was certainly a high instance of tyranny to punish the mere delivery of a political opinion, especially one that nowise affected the king's temporal right, as a capital offence, though attended with no overt act; and the parliament, in passing this law, had overlooked all the principles by which a civilized, much more a free people, should be governed: but the violence of changing so suddenly the whole system of government, and making it treason to deny what during many ages it had been heresy to assert, is an event which may appear somewhat extraordinary. Even the stern, unrelenting mind of Henry was at first shocked with these sanguinary measures; and he went so far as to change his garb and dress; pretending sorrow for the necessity by which he was pushed to such extremities. Still impelled, however, by his

violent temper, and desirous of striking a terror into the whole nation, he proceeded, by making examples of Fisher and More, to consummate his lawless tyranny.

John Fisher, bishop of Rochester, was a prelate eminent for learning and morals, still more than for his ecclesiastical dignities, and for the high favor which he had long enjoyed with the king; When he was thrown into prison, on account of his refusing the oath which regarded the succession, and his concealment of Elizabeth Barton's treasonable speeches, he had not only been deprived of all his revenues, but stripped of his very clothes, and, without consideration of his extreme age, he was allowed nothing but rags, which scarcely sufficed to cover his nakedness.<sup>17</sup> In this condition he lay in prison above a twelvemonth; when the pope, willing to recompense the sufferings of so faithful an adherent, created him a cardinal though Fisher was so indifferent about that dignity, that, even if the purple were lying at his feet, he declared that he would not stoop to take it. This promotion of a man merely for his opposition to royal authority, roused the indignation of the king; and he resolved to make the innocent person feel the effects of his resentment. Fisher was indicted for denying the king's supremacy, was tried, condemned, and beheaded.

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<sup>18</sup> Fuller's Church Hist. book v. p. 203.

The execution of this prelate was intended as a warning to More, whose compliance, on account of his great authority both abroad and at home, and his high reputation for learning and virtue, was anxiously desired by the king. That prince also bore as great personal affection and regard to More, as his imperious mind, the sport of passions, was susceptible of towards a man who in any particular opposed his violent inclinations. But More could never be prevailed on to acknowledge any opinion so contrary to his principles as that of the king's supremacy; and though Henry exacted that compliance from the whole nation, there was as yet no law obliging any one to take an oath to that purpose. Rich, the solicitor-general, was sent to confer with More, then a prisoner, who kept a cautious silence with regard to the supremacy: he was only inveigled to say, that any question with regard to the law which established that prerogative was

a two-edged sword; if a person answer one way, it will confound his soul; if another, it will destroy his body. No more was wanted to found an indictment of high treason against the prisoner. His silence was called malicious, and made a part of his crime; and these words, which had casually dropped from him, were interpreted as a denial of the supremacy.<sup>18</sup> Trials were mere formalities during this reign: the jury gave sentence against More, who had long expected this fate, and who needed no preparation to fortify him against the terrors of death. Not only his constancy, but even his cheerfulness, nay, his usual facetiousness, never forsook him; and he made a sacrifice of his life to his integrity, with the same indifference that he maintained in any ordinary occurrence. When he was mounting the scaffold, he said to one, "Friend, help me up; and when I come down again, let me shift for myself." The executioner asking him forgiveness, he granted the request, but told him, "You will never get credit by beheading me, my neck is so short." Then laying his head on the block, he bade the executioner stay till he put aside his beard: "For," said he, "it never committed treason." Nothing was wanting to the glory of this end, except a better cause, more free from weakness and superstition. But as the man followed his principles and sense of duty, however misguided, his constancy and integrity are not the less objects of our admiration. He was beheaded in the fifty-third year of his age.

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<sup>19</sup> More's Life of Sir Thomas More. Herbert, p. 393

When the execution of Fisher and More was reported at Rome, especially that of the former, who was invested with the dignity of cardinal, every one discovered the most violent rage against the king; and numerous libels were published by the wits and orators of Italy, comparing him to Caligula, Nero, Domitian, and all the most unrelenting tyrants of antiquity. Clement VII. had died about six months after he pronounced sentence against the king; and Paul III., of the name of Farnese, had succeeded to the papal throne. This pontiff, who while cardinal, had always favored Henry's cause, had hoped that personal animosities being buried with his predecessor, might not be impossible to form an agreement with England: and the king himself was so desirous of accommodating matters, that in a



negotiation which he entered into with Francis a little before this time, he required that that monarch should conciliate a friendship between him and the court of Rome. But Henry was accustomed to prescribe, not to receive terms; and even while he was negotiating for peace, his usual violence often carried him to commit offences which rendered the quarrel totally incurable. The execution of Fisher was regarded by Paul as so capital an injury, that he immediately passed censures against the king, citing him and all his adherents to appear in Rome within ninety days, in order to answer for their crimes: if they failed, he excommunicated them; deprived the king of his crown; laid the kingdom under an interdict; declared his issue by Anne Boleyn illegitimate; dissolved all leagues which any Catholic princes had made with him; gave his kingdom to any invader; commanded the nobility to take arms against him; freed his subjects from all oaths of allegiance; cut off their commerce with foreign states; and declared it lawful for any one to seize them, to make slaves of their persons, and to convert their effects to his own use.<sup>19</sup> But though these censures were passed, they were not at that time openly denounced; the pope delayed the publication till he should find an agreement with England entirely desperate; and till the emperor, who was at that time hard pressed by the Turks and the Protestant princes in Germany, should be in a condition to carry the sentence into execution.

The king knew that he might expect any injury which it should be in Charles's power to inflict; and he therefore made it the chief object of his policy to incapacitate that monarch from wreaking his resentment upon him.<sup>20</sup>

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<sup>20</sup> Sanders, p. 148.

<sup>21</sup> Herbert, p. 350, 351.

He renewed his friendship with Francis, and opened negotiations for marrying his infant daughter, Elizabeth, with the duke of Angoulême, third son of Francis. These two monarchs also made advances to the princes of the Protestant league in Germany, ever jealous of the emperor's ambition; and Henry, besides remitting them some money, sent Fox,

bishop of Hereford, as Francis did Bellay, lord of Langley, to treat with them. But during the first fervors of the reformation, an agreement in theological tenets was held, as well as a union of interests, to be essential to a good correspondence among states; and though both Francis and Henry flattered the German princes with hopes of their embracing the confession of Augsburg, it was looked upon as a bad symptom of their sincerity, that they exercised such extreme rigor against all preachers of the reformation in their respective dominions.<sup>21</sup> Henry carried the feint so far, that, while he thought himself the first theologian in the world, he yet invited over Melancthon, Bucer, Sturmius, Draco, and other German divines, that they might confer with him, and instruct him in the foundation of their tenets. These theologians were now of great importance in the world; and no poet or philosopher, even in ancient Greece, where they were treated with most respect, had ever reached equal applause and admiration with those wretched composers of metaphysical polemics. The German princes told the king, that they could not spare their divines; and as Henry had no hopes of agreement with such zealous disputants, and knew that in Germany the followers of Luther would not associate with the disciples of Zuinglius, because, though they agreed in every thing else, they differed in some minute particulars with regard to the eucharist, he was the more indifferent on account of this refusal. He could also foresee, that even while the league of Smalcalde did not act in concert with him, they would always be carried by their interests to oppose the emperor: and the hatred between Francis and that monarch was so inveterate, that he deemed himself sure of a sincere ally in one or other of these potentates.

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<sup>22</sup> Sleidan, lib. 10.

During these negotiations, an incident happened in England, which <sup>1536</sup> promised a more amicable conclusion of those disputes, and seemed even to open the way for a reconciliation between Henry and Charles. Queen Catharine was seized with a lingering illness, which at last brought her to her grave; she died at Kimbolton, in the county of Huntingdon, in the fiftieth year of her age. A little before she expired, she wrote a very tender

letter to the king, in which she gave him the appellation of “her most dear lord, king, and husband.” She told him that as the hour of her death was now approaching, she laid hold of this last opportunity to inculcate on him the importance of his religious duty, and the comparative emptiness of all human grandeur and enjoyment; that though his fondness towards these perishable advantages had thrown her into many calamities, as well as created to himself much trouble, she yet forgave him all past injuries, and hoped that his pardon would be ratified in Heaven; and that she had no other request to make, than to recommend to him his daughter, the sole pledge of their loves; and to crave his protection for her maids and servants. She concluded with these words: “I make this vow, that mine eyes desire you above all things.”<sup>22</sup> The king was touched, even to the shedding of tears, by this last tender proof of Catharine’s affection; but Queen Anne is said to have expressed her joy for the death of a rival beyond what decency or humanity could permit.<sup>23</sup>

The emperor thought that, as the demise of his aunt had removed all foundation of personal animosity between him and Henry, it might not now be impossible to detach him from the alliance of France, and to renew his own confederacy with England, from which he had formerly reaped so much advantage. He sent Henry proposals for a return to ancient amity, upon these conditions:<sup>24</sup> that he should be reconciled to the see of Rome, that he should assist him in his war with the Turk, and that he should take part with him against Francis, who now threatened the duchy of Milan. The king replied, that he was willing to be on good terms with the emperor, provided that prince would acknowledge that the former breach of friendship came entirely from himself: as to the conditions proposed, the proceedings against the bishop of Rome were so just, and so fully ratified by the parliament of England, that they could not now be revoked; when Christian princes should have settled peace among themselves, he would not fail to exert that vigor which became him, against the enemies of the faith; and after amity with the emperor was once fully restored, he should then be in a situation, as a common friend both to him and Francis, either to mediate an agreement between them, or to assist the injured party.

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<sup>23</sup> Herbert, p. 403.

<sup>24</sup> Burnet, vol. i. p. 192

<sup>25</sup> Du Bellai, liv. v. Herbert. Burnet, vol. iii. in Coll. No. 60.

What rendered Henry more indifferent to the advances made by the emperor was, both his experience of the usual duplicity and insincerity of that monarch, and the intelligence which he received of the present transactions in Europe. Francis Sforza, duke of Milan, had died without issue; and the emperor maintained that the duchy, being a fief of the empire, was devolved to him, as head of the Germanic body: not to give umbrage, however, to the states of Italy, he professed his intention of bestowing that principality on some prince who should be obnoxious to no party, and he even made offer of it to the duke of Angoulême, third son of Francis. The French monarch, who pretended that his own right to Milan was now revived upon Sforza's death, was content to substitute his second son, the duke of Orleans, in his place; and the emperor pretended to close with this proposal. But his sole intention in that liberal concession was to gain time till he should put himself in a warlike posture, and be able to carry an invasion into Francis's dominions. The ancient enmity between these, princes broke out anew in bravadoes, and in personal insults on each other, ill becoming persons of their rank, and still less suitable to men of such unquestioned bravery. Charles soon after invaded Provence in person, with an army of fifty thousand men; but met with no success. His army perished with sickness, fatigue, famine, and other disasters; and he was obliged to raise the siege of Marseilles, and retire into Italy with the broken remains of his forces. An army of imperialists, near thirty thousand strong, which invaded France on the side of the Netherlands, and laid siege to Peronne, made no greater progress, but retired upon the approach of a French army. And Henry had thus the satisfaction to find, both that his ally Francis was likely to support himself without foreign assistance, and that his own tranquillity was fully insured by these violent wars and animosities on the continent.

If any inquietude remained with the English court, it was solely occasioned by the state of affairs in Scotland. James, hearing of the

dangerous situation of his ally Francis, generously levied some forces; and embarking them on board vessels which he had hired for that purpose, landed them safely in France. He even went over in person; and making haste to join the camp of the French king, which then lay in Provence, and to partake of his danger, he met that prince at Lyons, who, having repulsed the emperor, was now returning to his capital. Recommended by so agreeable and seasonable an instance of friendship, the king of Scots paid his addresses to Magdalen, daughter of the French monarch; and this prince had no other objection to the match than what arose from the infirm state of his daughter's health, which seemed to threaten her with an approaching end. But James having gained the affections of the princess, and obtained her consent, the father would no longer oppose the united desires of his daughter and his friend: they were accordingly married, and soon after set sail for Scotland, where the young queen, as was foreseen, died in a little time after her arrival. Francis, however, was afraid lest his ally Henry, whom he likewise looked on as his friend, and who lived with him on a more cordial footing than is usual among great princes, should be displeased that this close confederacy between France and Scotland was concluded without his participation. He therefore despatched Pommeraye to London, in order to apologize for this measure; but Henry, with his usual openness and freedom, expressed such displeasure, that he refused even to confer with the ambassador; and Francis was apprehensive of a rupture with a prince who regulated his measures more by humor and passion than by the rules of political prudence. But the king was so fettered by the opposition in which he was engaged against the pope and the emperor, that he pursued no further this disgust against Francis; and in the end, every thing remained in tranquillity both on the side of France and of Scotland.

The domestic peace of England seemed to be exposed to more hazard by the violent innovations in religion; and it may be affirmed that, in this dangerous conjuncture, nothing insured public tranquillity so much as the decisive authority acquired by the king, and his great ascendant over all his subjects. Not only the devotion paid to the crown was profound during that age: the personal respect inspired by Henry was considerable; and even the terrors with which he overawed every one, were not attended with any considerable degree of hatred. His frankness, his sincerity, his

magnificence, his generosity, were virtues which counterbalanced his violence, cruelty, and impetuosity. And the important rank which his vigor, more than his address, acquired him in all foreign negotiations, flattered the vanity of Englishmen, and made them the more willingly endure those domestic hardships to which they were exposed. The king, conscious of his advantages, was now proceeding to the most dangerous exercise of his authority; and after paving the way for that measure by several preparatory expedients, he was at last determined to suppress the monasteries, and to put himself in possession of their ample revenues.

The great increase of monasteries, if matters be considered merely in a political light, will appear the radical inconvenience of the Catholic religion; and every other disadvantage attending that communion seems to have an inseparable connection with these religious institutions. Papal usurpations, the tyranny of the inquisition, the multiplicity of holidays; all these fetters on liberty and industry were ultimately derived from the authority and insinuation of monks, whose habitations, being established every where, proved so many seminaries of superstition and of folly. This order of men was extremely enraged against Henry, and regarded the abolition of the papal authority in England as the removal of the sole protection which they enjoyed against the rapacity of the crown and of the courtiers. They were now subjected to the king's visitation; the supposed sacredness of their bulls from Rome was rejected; the progress of the reformation abroad, which had every where been attended with the abolition of the monastic orders, gave them reason to apprehend like consequences in England; and though the king still maintained the doctrine of purgatory, to which most of the convents owed their origin and support, it was foreseen, that, in the progress of the contest, he would every day be led to depart wider from ancient institutions, and be drawn nearer the tenets of the reformers, with whom his political interests naturally induced him to unite. Moved by these considerations, the friars employed all their influence to inflame the people against the king's government; and Henry, finding their safety irreconcilable with his own, was determined to seize the present opportunity, and utterly destroy his declared enemies.

Cromwell, secretary of state, had been appointed vicar-general, or vicegerent, a new office, by which the king's supremacy, or the absolute uncontrollable power assumed over the church, was delegated to him. He employed Layton, London, Price, Gage, Petre, Bellasis, and others, as commissioners who carried on every where a rigorous inquiry with regard to the conduct and deportment of all the friars. During times of faction, especially of the religious kind, no equity is to be expected from adversaries; and as it was known, that the king's intention in this visitation was to find a pretence for abolishing monasteries, we may naturally conclude, that the reports of the commissioners are very little to be relied on. Friars were encouraged to bring in informations against their brethren; the slightest evidence was credited; and even the calumnies spread abroad by the friends of the reformation, were regarded as grounds of proof. Monstrous disorders are therefore said to have been found in many of the religious houses; whole convents of women abandoned to lewdness; signs of abortions procured, of infants murdered, of unnatural lusts between persons of the same sex. It is indeed probable, that the blind submission of the people, during those ages, would render the friars and nuns more unguarded and more dissolute than they are in any Roman Catholic country at present; but still the reproaches, which it is safest to credit, are such as point at vices naturally connected with the very institution of convents, and with the monastic life. The cruel and inveterate factions and quarrels, therefore, which the commissioners mentioned, are very credible among men, who, being confined together within the same walls, never can forget their mutual animosities, and who, being cut off from all the most endearing connections of nature, are commonly cursed with hearts more selfish, and tempers more unrelenting, than fall to the share of other men. The pious frauds practised to increase the devotion and liberality of the people, may be regarded as certain, in an order founded on illusions, lies, and superstition. The supine idleness also, and its attendant, profound ignorance, with which the convents were reproached, admit of no question; and though monks were the true preservers, as well as inventors, of the dreaming and captious philosophy of the schools, no manly or elegant knowledge could be expected among men, whose lives, condemned to a tedious uniformity, and deprived of all emulation, afforded nothing to raise the mind or cultivate the genius.

Some few monasteries, terrified with this rigorous inquisition carried on by Cromwell and his commissioners, surrendered their revenues into the king's hands; and the monks received small pensions as the reward of their obsequiousness. Orders were given to dismiss such nuns and friars as were below four and twenty, whose vows were, on that account, supposed not to be binding. The doors of the convents were opened, even to such as were above that age; and every one recovered his liberty who desired it. But as all these expedients did not fully answer the king's purpose, he had recourse to his usual instrument of power, the parliament; and in order to prepare men for the innovations projected, the report of the visitors was published, and a general horror was endeavored to be excited in the nation against institutions, which, to their ancestors had been the objects of the most profound veneration.

The king, though determined utterly to abolish the monastic order, resolved to proceed gradually in this great work; and he gave directions to the parliament to go no further, at present, than to suppress the lesser monasteries, which possessed revenues below two hundred pounds a year.<sup>25</sup> These were found to be the most corrupted, as lying less under the restraint of shame, and being exposed to less scrutiny;<sup>26</sup> and it was deemed safest to begin with them, and thereby prepare the way for the greater innovations projected. By this act three hundred and seventy-six monasteries were suppressed, and their revenues, amounting to thirty-two thousand pounds a year, were granted to the king; besides their goods, chattels, and plate, computed at a hundred thousand pounds more.<sup>27</sup> It does not appear that any opposition was made to this important law: so absolute was Henry's authority.<sup>28</sup> A court, called the court of augmentation of the king's revenue, was erected for the management of these funds. The people naturally concluded from this circumstance, that Henry intended to proceed in despoiling the church of her patrimony.<sup>29</sup>

The act formerly passed, empowering the king to name thirty-two commissioners for framing a body of canon law, was renewed; but the project was never carried into execution. Henry thought, that the present perplexity of that law increased his authority, and kept the clergy in still greater dependence.



Further progress was made in completing the union of Wales with England: the separate jurisdictions of several great lords, or marchers, as they were called, which obstructed the course of justice in Wales, and encouraged robbery and pillaging, were abolished; and the authority of the king's courts was extended every where. Some jurisdictions of a like nature in England were also abolished this session.

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<sup>26</sup> 27 Henry VIII. c. 28.

<sup>27</sup> Burnet, vol. i. p. 193.

<sup>28</sup> It is pretended, (see Holingshed, p. 939,) that ten thousand monks were turned out on the dissolution of the lesser monasteries. If so, most of them must have been mendicants; for the revenue could not have supported near that number. The mendicants, no doubt, still continued their former profession.

<sup>29</sup> 27 Henry VIII. c. 27.

<sup>30</sup> 27 Henry VIII. c. 4

The commons, sensible that they had gained nothing by opposing the king's will when he formerly endeavored to secure the profits of wardships and liveries, were now contented to frame a law,<sup>30</sup> such as he dictated to them. It was enacted, that the possession of land shall be adjudged to be in those who have the use of it, not in those to whom it is transferred in trust.

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<sup>31</sup> 27 Henry VIII. c. 10.

After all these laws were passed, the king dissolved the parliament; a parliament memorable, not only for the great and important innovations which it introduced, but also for the long time it had sitten, and the frequent prorogations which it had undergone. Henry had found it so obsequious to his will, that he did not choose, during those religious ferments, to hazard a new election; and he continued the same parliament above six years: a practice at that time unusual in England.

The convocation which sat during this session was engaged in a very important work, the deliberating on the new translation which was projected of the Scriptures. The translation given by Tindal, though corrected by himself in a new edition, was still complained of by the clergy as inaccurate and unfaithful; and it was now proposed to them, that they should themselves publish a translation which would not be liable to those objections.

The friends of the reformation asserted, that nothing could be more absurd than to conceal, in an unknown tongue, the word of God itself, and thus to counteract the will of Heaven, which, for the purpose of universal salvation, had published that salutary doctrine to all nations: that if this practice were not very absurd, the artifice at least was very gross, and proved a consciousness, that the glosses and traditions of the clergy stood in direct opposition to the original text, dictated by supreme intelligence: that it was now necessary for the people, so long abused by interested pretensions, to see with their own eyes, and to examine whether the claims of the ecclesiastics were founded on that charter which was on all hands acknowledged to be derived from Heaven: and that, as a spirit of research and curiosity was happily revived, and men were now obliged to make a choice among the contending doctrines of different sects, the proper materials for decision, and above all, the Holy Scriptures, should be set before them; and the revealed will of God, which the change of language had somewhat obscured, be again, by their means, revealed to mankind.

The favorers of the ancient religion maintained, on the other hand, that the pretence of making the people see with their own eyes was a mere cheat, and was itself a very gross artifice, by which the new preachers hoped to obtain the guidance of them, and to seduce them from those pastors whom the laws, whom ancient establishments, whom Heaven itself, had appointed for their spiritual direction: that the people were by their ignorance, their stupidity, their necessary avocations, totally unqualified to choose their own principles; and it was a mockery to set materials before them, of which they could not possibly make any proper use: that even in the affairs of common life, and in their temporal concerns, which lay more within the compass of human reason, the laws had in a great measure deprived them of the right of private judgment, and

had, happily for their own and the public interest, regulated their conduct and behavior: that theological questions were placed far beyond the sphere of vulgar comprehension; and ecclesiastics themselves, though assisted by all the advantages of education, erudition, and an assiduous study of the science, could not be fully assured of a just decision, except by the promise made them in Scripture, that God would be ever present with his church, and that the gates of hell should not prevail against her: that the gross errors adopted by the wisest heathens, proved how unfit men were to grope their own way through this profound darkness; nor would the Scriptures, if trusted to every man's judgment, be able to remedy; on the contrary, they would much augment, those fatal illusions: that sacred writ itself was involved in so much obscurity, gave rise to so many difficulties, contained so many appearing contradictions, that it was the most dangerous weapon that could be intrusted into the hands of the ignorant and giddy multitude: that the poetical style in which a great part of it was composed, at the same time that it occasioned uncertainty in the sense, by its multiplied tropes and figures, was sufficient to kindle the zeal of fanaticism, and thereby throw civil society into the most furious combustion: that a thousand sects must arise, which would pretend, each of them, to derive its tenets from the Scripture; and would be able, by specious arguments, or even without specious arguments, to seduce silly women and ignorant mechanics into a belief of the most monstrous principles: and that if ever this disorder, dangerous to the magistrate himself, received a remedy, it must be from the tacit acquiescence of the people in some new authority; and it was evidently better, without further contest or inquiry, to adhere peaceably to ancient, and therefore the more secure establishments.

These latter arguments, being more agreeable to ecclesiastical governments, would probably have prevailed in the convocation, had it not been for the authority of Cranmer, Latimer, and some other bishops, who were supposed to speak the king's sense of the matter. A vote was passed for publishing a new translation of the Scriptures; and in three years' time the work was finished, and printed at Paris. This was deemed a great point gained by the reformers, and a considerable advancement of their cause. Further progress was soon expected, after such important successes.

But while the retainers to the new religion were exulting in their prosperity, they met with a mortification which seemed to blast all their hopes: their patroness, Anne Boleyn, possessed no longer the king's favor; and soon after lost her life by the rage of that furious monarch. Henry had persevered in his love to this lady during six years that his prosecution of the divorce lasted; and the more obstacles he met with to the gratification of his passion, the more determined zeal did he exert in pursuing his purpose. But the affection which had subsisted, and still increased under difficulties, had not long attained secure possession of its object, when it languished from satiety; and the king's heart was apparently estranged from his consort. Anne's enemies soon perceived the fatal change; and they were forward to widen the breach, when they found that they incurred no danger by interposing in those delicate concerns. She had been delivered of a dead son; and Henry's extreme fondness for male issue being thus for the present disappointed, his temper, equally violent and superstitious, was disposed to make the innocent mother answerable for the misfortune.<sup>31</sup> But the chief means which Anne's enemies employed to inflame the king against her, was his jealousy.

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<sup>32</sup> Burnet, vol. i. p. 196.

Anne, though she appears to have been entirely innocent, and even virtuous in her conduct, had a certain gayety, if not levity of character which threw her off her guard, and made her less circumspect than her situation required. Her education in France rendered her the more prone to those freedoms; and it was with difficulty she conformed herself to that strict ceremonial practised in the court of England. More vain than haughty, she was pleased to see the influence of her beauty on all around her; and she indulged herself in an easy familiarity with persons who were formerly her equals, and who might then have pretended to her friendship and good graces. Henry's dignity was offended with these popular manners; and though the lover had been entirely blind, the husband possessed but too quick discernment and penetration. III instruments interposed, and put a malignant interpretation on the harmless liberties of the queen: the viscountess of Rocheford, in particular, who was married to

the queen's brother, but who lived on bad terms with her sister-in-law, insinuated the most cruel suspicions into the king's mind; and as she was a woman of a profligate character, she paid no regard either to truth or humanity in those calumnies which she suggested. She pretended that her own husband was engaged in a criminal correspondence with his sister; and not content with this imputation, she poisoned every action of the queen's, and represented each instance of favor, which she conferred on any one, as a token of affection. Henry Norris, groom of the stole, Weston and Brereton, gentlemen of the king's chamber, together with Mark Smeton, groom of the chamber, were observed to possess much of the queen's friendship; and they served her with a zeal and attachment, which, though chiefly derived from gratitude, might not improbably be seasoned with some mixture of tenderness for so amiable a princess. The king's jealousy laid hold of the slightest circumstance; and finding no particular object on which it could fasten, it vented itself equally on every one that came within the verge of its fury.

Had Henry's jealousy been derived from love, though it might on a sudden have proceeded to the most violent extremities, it would have been subject to many remorse and contrarities; and might at last have served only to augment that affection on which it was founded. But it was a more stern jealousy, fostered entirely by pride: his love was transferred to another object. Jane, daughter of Sir John Seymour, and maid of honor to the queen, a young lady of singular beauty and merit, had obtained an entire ascendant over him; and he was determined to sacrifice every thing to the gratification of this new appetite. Unlike to most monarchs, who judge lightly of the crime of gallantry, and who deem the young damsels of their court rather honored than disgraced by their passion, he seldom thought of any other attachment than that of marriage; and in order to attain this end, he underwent more difficulties, and committed greater crimes, than those which he sought to avoid by forming that legal connection. And having thus entertained the design of raising his new mistress to his bed and throne, he more willingly hearkened to every suggestion which threw any imputation of guilt on the unfortunate Anne Boleyn.

The king's jealousy first appeared openly in a tilting at Greenwich, where the queen happened to drop her handkerchief, an incident probably casual, but interpreted by him as an instance of gallantry to some of her paramours.<sup>32</sup> He immediately retired from the place; sent orders to confine her to her chamber; arrested Norris, Brereton, Weston, and Smeton, together with her brother Rocheford; and threw them into prison. The queen, astonished at these instances of his fury, thought that he meant only to try her; but finding him in earnest, she reflected on his obstinate, unrelenting spirit, and she prepared herself for that melancholy doom which was awaiting her. Next day, she was sent to the Tower; and on her way thither, she was informed of her supposed offences, of which she had hitherto been ignorant: she made earnest protestations of her innocence; and when she entered the prison, she fell on her knees, and prayed God so to help her, as she was not guilty of the crime imputed to her. Her surprise and confusion threw her into hysterical disorders; and in that situation she thought that the best proof of her innocence was to make an entire confession; and she revealed some indiscretions and levities, which her simplicity had equally betrayed her to commit and to avow. She owned that she had once rallied Norris on his delaying his marriage, and had told him that he probably expected her when she should be a widow: she had reproved Weston, she said, for his affection to a kinswoman of hers, and his indifference towards his wife; but he told her that she had mistaken the object of his affection, for it was herself; upon which she defied him.<sup>33</sup> She affirmed that Smeton had never been in her chamber but twice, when he played on the harpsichord; but she acknowledged that he had once had the boldness to tell her that a look sufficed him. The king, instead of being satisfied with the candor and sincerity of her confession, regarded these indiscretions only as preludes to greater and more criminal intimacies.

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<sup>33</sup> Burnet, vol. i. p. 198.

<sup>34</sup> Strype, vol. i. p. 281.

Of all those multitudes whom the beneficence of the queen's tamper had obliged during her prosperous fortune, no one durst interpose between her

and the king's fury; and the person whose advancement every breath had favored, and every countenance had smiled upon, was now left neglected and abandoned. Even her uncle, the duke of Norfolk, preferring the connections of party to the ties of blood, was become her most dangerous enemy; and all the retainers to the Catholic religion hoped that her death would terminate the king's quarrel with Rome, and leave him again to his natural and early bent, which had inclined him to maintain the most intimate union with the apostolic see. Cranmer alone, of all the queen's adherents, still retained his friendship for her; and, as far as the king's impetuosity permitted him, he endeavored to moderate the violent prejudices entertained against her.

The queen herself wrote Henry a letter from the Tower, full of the most tender expostulations and of the warmest protestations of innocence. This letter had no influence on the unrelenting mind of Henry, who was determined to pave the way for his new marriage by the death of Anne Boleyn. Morris, Weston, Brereton, and Smeton, were tried; but no legal evidence was produced against them. The chief proof of their guilt consisted in a hearsay from one Lady Wingfield, who was dead. Smeton was prevailed on, by the vain hopes of life, to confess a criminal correspondence with the queen;<sup>34</sup> but even her enemies expected little advantage from this confession; for they never dared to confront him with her; and he was immediately executed; as were also Brereton and Weston. Norris had been much in the king's favor, and an offer of life was made him, if he would confess his crime and accuse the queen; but he generously rejected the proposal, and said that in his conscience he believed her entirely guiltless: but for his part, he could accuse her of nothing, and he would rather die a thousand deaths than calumniate an innocent person.

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<sup>35</sup> This letter contains so much nature, and even elegance, as to deserve to be transmitted to posterity, without any alteration in the expression. It is as follows:—

"Sir, your grace's displeasure and my imprisonment are things so strange unto me, as what to write, or what to excuse, I am altogether ignorant. Whereas you send unto me (willing me to confess a truth and so obtain your favor) by such an one whom you know to be mine ancient professed enemy, I no sooner received this message by him, than I rightly conceived your meaning; and if, as you say, confessing a

truth indeed may procure my safety, I shall with all willingness and duty perform your command.

"But let not your grace ever imagine that your poor wife will ever be brought to acknowledge a fault where not so much as a thought thereof preceded. And, to speak a truth, never prince had wife more loyal in all duty, and in all true affection, than you have ever found in Anne Boleyn; with which name and place I could willingly have contented myself, if God and your grace's pleasure had been so pleased. Neither did I at any time so far forget myself in my exaltation or received queenship, but that I always looked for such an alteration as I now find; for the ground of my preferment being on no surer foundation than your grace's fancy, the least alteration I knew was fit and sufficient to draw that fancy to some other object. You have chosen me from a low estate to be your queen and companion, far beyond my desert or desire. If then you found me worthy of such honor, good your grace let not any light fancy, or bad counsel of mine enemies withdraw your princely favor from me; neither let that stain, that unworthy stain, of a disloyal heart towards your good grace, ever cast so foul a blot on your most dutiful wife, and the infant princess your daughter. Try me, good king, but let me have a lawful trial, and let not my sworn enemies sit as my accusers and judges; yea, let me receive an open trial, for my truth shall fear no open shame; then shall you see either mine innocence cleared, your suspicion and conscience satisfied, the ignominy and slander of the world stopped, or my guilt openly declared. So that whatsoever God or you may determine of me, your grace may be freed from an open censure; and mine offence being so lawfully proved, your grace is at liberty, both before God and man, not only to execute worthy punishment on me as an unlawful wife, but to follow your affection, already settled on that party for whose sake I am now as I am, whose name I could some good while since have pointed unto, your grace not being ignorant of my suspicion therein.

"But if you have already determined of me, and that not only my death, but an infamous slander, must bring you the enjoying of your desired happiness; then I desire of God, that he will pardon your great sin therein, and likewise mine enemies, the instruments thereof; and that he will not call you to a strict account for your unprincely and cruel usage of me, at his general judgment-seat, where both you and myself must shortly appear, and in whose judgment, I doubt not, (whatsoever the world may think of me,) mine innocence shall be openly known and sufficiently cleared.

"My last and only request shall be, that myself may only bear the burden of your grace's displeasure, and that it may not touch the innocent souls of those poor gentlemen, who (as I understand,) are



likewise in strait imprisonment for my sake. If ever I have found favor in your sight, if ever the name of Anne Boleyn hath been pleasing in your ears, then let me obtain this request; and I will so leave to trouble your grace any further, with mine earnest prayers to the Trinity to have your grace in his good keeping, and to direct you In all your actions. From my doleful prison in the Tower, this sixth of May.

"Your most loyal and ever faithful wife, "ANNE BOLEYN."]

<sup>36</sup>..... Burnet, vol. i. p. 202.

The queen and her brother were tried by a jury of peers consisting of the duke of Suffolk, the marquis of Exeter, the earl of Arundel, and twenty-three more: their uncle, the duke of Norfolk, presided as high steward. Upon what proof or pretence the crime of incest was imputed to them, is unknown: the chief evidence, it is said, amounted to no more than that Rocheford had been seen to lean on her bed before some company. Part of the charge against her was that she had affirmed to her minions, that the king never had her heart; and had said to each of them apart, that she loved him better than any person whatsoever; "which was to the slander of the issue begotten between the king and her." By this strained interpretation, her guilt was brought under the statute of the twenty-fifth of this reign; in which it was declared criminal to throw any slander upon the king, queen, or their issue. Such palpable absurdities were at that time admitted; and they were regarded by the peers of England as a sufficient reason for sacrificing an innocent queen to the cruelty of their tyrant. Though unassisted by counsel, she defended herself with presence of mind; and the spectators could not forbear pronouncing her entirely innocent. Judgment, however, was given by the court, both against the queen and Lord Rocheford; and her verdict contained, that she should be burned or beheaded at the king's pleasure. When this dreadful sentence was pronounced, she was not terrified, but lifting up her hands to heaven, said, "O Father! O Creator! thou who art the way, the truth, and the life, thou knowest that I have not deserved this fate;" and then turning to the judges, made the most pathetic declarations of her innocence.

Henry, not satisfied with this cruel vengeance, was resolved entirely to annul his marriage with Anne Boleyn, and to declare her issue illegitimate:

he recalled to his memory, that a little after her appearance in the English court, some attachment had been acknowledged between her and the earl of Northumberland, then Lord Piercy; and he now questioned that nobleman with regard to these engagements. Northumberland took an oath before the two archbishops, that no contract or promise of marriage had ever passed between them: he received the sacrament upon it, before the duke of Norfolk and others of the privy council; and this solemn act he accompanied with the most solemn protestations of veracity.<sup>35</sup> The queen, however, was shaken by menaces of executing the sentence against her in its greatest rigor, and was prevailed on to confess in court some lawful impediment to her marriage with the king.<sup>36</sup> The afflicted primate, who sat as judge, thought himself obliged by this confession to pronounce the marriage null and invalid. Henry, in the transports of his fury, did not perceive that his proceedings were totally inconsistent, and that if her marriage were from the beginning invalid, she could not possibly be guilty of adultery.

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<sup>37</sup> ..... Herbert, p. 384.

<sup>38</sup> ..... Heylin, p. 94.

The queen now prepared for suffering the death to which she was sentenced. She sent her last message to the king, and acknowledged the obligations which she owed him, in thus uniformly continuing his endeavors for her advancement: from a private gentlewoman, she said, he had first made her a marchioness, then a queen, and now, since he could raise her no higher in this world, he was sending her to be a saint in heaven. She then renewed the protestations of her innocence, and recommended her daughter to his care. Before the lieutenant of the Tower, and all who approached her, she made the like declarations; and continued to behave herself with her usual serenity, and even with cheerfulness. “The executioner,” she said to the lieutenant, “is, I hear, very expert; and my neck is very slender:” upon which she grasped it in her hand, and smiled. When brought, however, to the scaffold, she softened her tone a little with regard to her protestations of innocence. She probably reflected, that the

obstinacy of Queen Catharine, and her opposition to the king's will, had much alienated him from the lady Mary: her own maternal concern, therefore, for Elizabeth prevailed in these last moments over that indignation which the unjust sentence by which she suffered naturally excited in her. She said that she was come to die, as she was sentenced, by the law: she would accuse none, nor say any thing of the ground upon which she was judged. She prayed heartily for the king; called him a most merciful and gentle prince; and acknowledged that he had always been to her a good and gracious sovereign; and if any one should think proper to canvass her cause, she desired him to judge the best.<sup>37</sup> She was beheaded by the executioner of Calais, who was sent for as more expert than any in England. Her body was negligently thrown into a common chest of elm-tree, made to hold arrows, and was buried in the Tower.

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<sup>39</sup> Burnet. vol. i. p. 205.

The innocence of this unfortunate queen cannot reasonably be called in question. Henry himself, in the violence of his rage, knew not whom to accuse as her lover; and though he imputed guilt to her brother, and four persons more, he was able to bring proof against none of them. The whole tenor of her conduct forbids us to ascribe to her an abandoned character, such as is implied in the king's accusation: had she been so lost to all prudence and sense of shame, she must have exposed herself to detection, and afforded her enemies some evidence against her. But the king made the most effectual apology for her, by marrying Jane Seymour the very day after her execution.<sup>38</sup> His impatience to gratify this new passion caused him to forget all regard to decency; and his cruel heart was not softened a moment by the bloody catastrophe of a person who had so long been the object of his most tender affections.

The lady Mary thought the death of her step-mother a proper opportunity for reconciling herself to the king, who, besides other causes of disgust, had been offended with her on account of the part which she had taken in her mother's quarrel. Her advances were not at first received; and Henry exacted from her some further proofs of submission and obedience: he required this young princess, then about twenty years of

age, to adopt his theological tenets; to acknowledge his supremacy; to renounce the pope; and to own her mother's marriage to be unlawful and incestuous. These points were of hard digestion with the princess; but after some delays, and even refusals, she was at last prevailed on to write a letter to her father,<sup>39</sup> containing her assent to the articles required of her; upon which she was received into favor. But notwithstanding the return of the king's affection to the issue of his first marriage, he divested not himself of kindness towards the lady Elizabeth; and the new queen, who was blessed with a singular sweetness of disposition, discovered strong proofs of attachment towards her.

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<sup>40</sup> Burnet, vol. i. p. 297.

<sup>41</sup> Burnet, vol. i. p. 207. Strype, vol. i. p. 285.

The trial and conviction of Queen Anne, and the subsequent events, made it necessary for the king to summon a new parliament; and he here, in his speech, made a merit to his people, that, notwithstanding the misfortunes attending his two former marriages, he had been induced for their good to venture on a third. The speaker received this profession with suitable gratitude; and he took thence occasion to praise the king for his wonderful gifts of grace and nature: he compared him, for justice and prudence, to Solomon; for strength and fortitude, to Samson; and for beauty and comeliness, to Absalom. The king very humbly replied, by the mouth of the chancellor, that he disavowed these praises; since, if he were really possessed of such endowments, they were the gift of Almighty God only. Henry found that the parliament was no less submissive in deeds than complaisant in their expressions, and that they would go the same lengths as the former in gratifying even his most lawless passions. His divorce from Anne Boleyn was ratified;<sup>40</sup> that queen and all her accomplices were attainted; the issue of both his former marriages were declared illegitimate, and it was even made treason to assert the legitimacy of either of them; to throw any slander upon the present king, queen, or their issue, was subjected to the same penalty; the crown was settled on the king's issue by Jane Seymour, or any subsequent wife; and in case he should die

without children, he was empowered, by his will or letters patent, to dispose of the crown; an enormous authority, especially when intrusted to a prince so violent and capricious in his humor. Whoever, being required, refused to answer upon oath to any article of this act of settlement, was declared to be guilty of treason; and by this clause a species of political inquisition was established in the kingdom, as well as the accusations of treason multiplied to an unreasonable degree. The king was also empowered to confer on any one, by his will or letters patent, any castles, honors, liberties, or franchises; words which might have been extended to the dismembering of the kingdom, by the erection of principalities and independent jurisdictions. It was also, by another act, made treason to marry, without the king's consent, any princess related in the first degree to the crown. This act was occasioned by the discovery of a design formed by Thomas Howard, brother of the duke of Norfolk, to espouse the lady Margaret Douglas, niece to the king, by his sister the queen of Scots and the earl of Angus. Howard, as well as the young lady, was committed to the Tower. She recovered her liberty soon after; but he died in confinement. An act of attainder passed against him this session of parliament.

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<sup>42</sup>..... The parliament, in annulling the king's marriage with Anne Boleyn, gives this as a reason, "For that his

