

and would allow the garrison no conditional surrender. They asked for safety of life and limb; but the king "swore that he would take them by storm, and hang them all, and accordingly the knights and men-at-arms returned to the castle in sorrow and confusion, and prepared to make a defence."* Reconnoitring the fortress, Richard was wounded in the arm by an arrow, aimed by Bertrand de Gurdun. The castle being captured, the king ordered all the people to be hanged, one alone excepted—the youth who had wounded him. In those days of the rudest surgery, the barbed iron head of the arrow could not be extracted from the flesh, without the limb being cruelly mangled. For twelve days Richard suffered the agonies of his wound, and saw, at last, that death was approaching. He bequeathed the kingdom of England and all his other dominions to John; and ordered a fourth of his treasures to be distributed amongst his servants and the poor. Hoveden tells the rest of the dying scene:—"He then ordered Bertram de Gurdun, † who had wounded him, to come into his presence, and said to him, 'What harm have I done to you, that you have killed me.' On which he made answer, 'You slew my father and my two brothers with your own hand, and you intended now to kill me; therefore take any revenge on me that you may think fit, for I will readily endure the greatest torments you can devise, so long as you have met with your end, after having inflicted evils so many and so great upon the world.' On this the king ordered him to be released, and said, 'I forgive you my death.'" This part of the dying man's wish—this last effort of a nature not altogether cruel—was disregarded. Marchades, the chief of the hireling soldiers called Routiers, after Richard's death flayed the youth alive, and then hanged him.

* Hoveden.

† In an ancient anonymous account of Richard's death, it is stated that the king had forced his way into the inner court of the castle; but that one tower held out, in which were two knights, and thirty-eight men and women. According to this account, the knight who shot the arrow from the cross-bow was Peter de Basile.

CHAPTER XXIII.

Accession of John.—Arthur of Brittany.—War for the succession to England and the French provinces.—Peace with Philip of France.—Blanche of Castile.—Insurrection in Poitou against John.—Arthur taken prisoner.—His death.—The States of Brittany demand justice against John.—Total loss of Normandy and other provinces.—Pope Innocent III.—His quarrel with John.—England placed under an Interdict.—Ireland.—Wales.—London Bridge completed.—Consequences of the Interdict.—John excommunicated and deposed by the Pope.—Philip about to invade England.—John swears fealty to the Pope.—The barons resist John's demands.—Stephen Langton, the archbishop.—League of the Churchmen and Barons.—Runnymede.—Magna Charta.—Its provisions, and their effects upon the nation.

THE first Richard died on the 6th of April, 1199. The reign of John commences from Ascension-day, the 27th of May, when he was crowned at Westminster. In this interval of fifty days the future destiny of England remained uncertain. It was the will of a beneficent Providence that the island should be separated from France; and that the interests of her ruling classes being concentrated under one monarchy, the people should rapidly advance in the attainment of just government. The crimes and weaknesses of the new king were the chief instruments of this important revolution.

Had the crown of England descended by strict hereditary succession, Arthur, the son of Geoffrey, the third son of Henry II., would have been king in preference to John, the fifth son of Henry. But Arthur was a boy of twelve years; John was thirty-two. According to the speech of Hubert, Archbishop of Canterbury, at the coronation, the claims of Arthur were glanced at "as a more lawful descent of inheritance pretended by others." But to the assembled prelates and peers the Archbishop said, "You are come hither this day to choose you a king, and such a one as, if need shall require, may be able of himself to take such a charge upon him; and having undertaken the same, ready to execute that which he shall think to be expedient for the benefit of his subjects." Much controversy has arisen about the authenticity of this speech, as given in the chronicle of Roger of Wendover;* for it assumes the monarchy

* This Chronicle, which precedes that of Matthew Paris, was, until recently, assigned to that historian, who merely transcribed it.

to be elective, somewhat beyond the warrant of the constitution. John's claim, on the ground of hereditary right, was, that being the surviving brother of the late deceased king, he was nearer of kin to him than Arthur, the son of Richard's brother. The claims of Arthur had not been overlooked in England, in the interval between the death of Richard and the coronation of John. But the interests of the young prince had been overpowered by the promises which the Archbishop and the Justiciary had held out at a great council at Northampton, and by respect for the will of the deceased king. In Normandy, also, the pretensions of John were recognised without opposition, as well as in Aquitaine and Poitou. But in Maine, Touraine, and Anjou, the cause of the young Plantagenet was openly espoused. John, alarmed at the position of his continental authority, returned to Normandy before the end of June.

Philip of France, the most politic of monarchs, saw clearly his position. There had been, since the conquest of England, two mighty sovereigns of France. The Plantagenet race, at one period, seemed not unlikely to swallow up the race of Capet, and to become the sole heads of the greatest empire of the world. The time was come for a real trial of strength. The battle had been fought, without any decisive results, with Richard, who had many of the qualities of a great warrior, however wanting in those of a sagacious king. Another had succeeded who was neither wise nor warlike. The rival claim of the young Arthur of Brittany was the weak point in the succession of John. Shakspeare has put this with historical fidelity.* The wilfulness of John, and, more than wilfulness, his licentious, cruel, and treacherous nature, precluded a compromise of this dispute, and converted it into a struggle for one-half of France with the king, to whom he owed fealty. Happy was it for England, and for Normandy and the other provinces, that the suzerain was the conqueror.

Philip of France espoused the cause of Arthur, not from any regard to justice, or any sympathy for an injured youth. The boy

* Philip of France, in right and true behalf
Of thy deceased brother Geoffrey's son,
Arthur Plantagenet, lays most lawful claim
To this fair island, and the territories;
To Ireland, Poitiers, Anjou, Touraine, Maine;
Desiring thee to lay aside the sword,
Which sways usurpingly these several titles,
And put the same into young Arthur's hand,
Thy nephew and right royal sovereign."

King John, Act i. scene i.

was a tool in his hands, to be taken up, or laid aside, as best suited the purposes of this wary politician. Constance, the mother of Arthur, was the reigning duchess of Brittany. There is one delinquent of her character, as the impersonation of maternal love, which will always take the place of the historical belief that she was a weak and selfish woman. In Arthur's interest, Philip invaded Normandy, and placed garrisons in Anjou, Maine, and Touraine. There was war for eight months between the rival kings, and then an armistice. During the two months of this suspension of hostilities John was in England. In one of the most remarkable monuments of antiquarian industry, the movements of king John have been traced from the first day of his reign to the last, in a chronological Table, which shows at what places a vast number of official documents of this period were dated.* From this Itinerary we learn that in March, and the first part of April, of the year 1200, the king was at Winchester, Windsor, Westminster, Woodstock, Northampton, Clipstone, Tickhill, York, Bolsover, Derby, Burton-upon-Trent, Lichfield, Worcester, Farringdon. This is a considerable tour in the days of bad roads. In the latter half of April he is again at Windsor and Westminster, and then slowly journeys by Guildford, Alton, and Bishop's Waltham to Porchester. On the 2nd of May he is once more in Normandy. England does not see him again till October. On the 23rd of May the king of France and England conclude a peace. The interests of Arthur are abandoned by Philip, and he is compelled to do homage to his uncle for Brittany. John has a niece, Blanche of Castile, whom he endows with money and fiefs as her marriage-portion; for the alliance is to be cemented by Lewis, the son of Philip, becoming the husband of Blanche. But John belongs to that order of minds who make for themselves great reverses. He had been married since 1189 to Hadwisa, the daughter of William, earl of Gloucester. He now finds it convenient to obtain a divorce on the usual plea of consanguinity; for he had fallen into that desperate state of passion miscalled love, which tyrants, whether Plantagenet or Tudor, have claimed the privilege to gratify at every cost of honour or decency. In his progress through Aquitaine he had seen the beautiful betrothed of Hugh, count of La Marche; and the lady, although she was privately espoused as some believe, was tempted to violate her faith and become the wife of John. He went to England in

* "Description of the Patent Rolls, to which is added an Itinerary of King John," by Thomas Duffus Hardy. Published by the Record Commission.

October, 1200, to be crowned with his new queen; but there were consequences of that unlawful marriage which the passionate king did not expect. The count of La Marche headed an insurrection against John in Poitou and Aquitaine. The force which the king of England brought into the field was too strong for him to resist. But the count had a secret ally in the crafty Philip, to whom he appealed to redress his wrongs. John, from the June of 1201 to the December of 1203, was away from England. During these two years and a half he lost Normandy, Anjou, Maine, and Touraine. All that had been inherited from William of Normandy, and Fulk of Anjou, was gone.

In 1202 Philip was again at war with John. The ostensible cause was the injury and insult to the count of La Marche, for the redress of whose wrongs there were many confederate barons and knights in arms. King Philip again uses Arthur for the purposes of his own ambition. Constance, the duchess of Brittany, was now dead; and the young duke was sent by Philip into Poitou to head the insurrection against John. Arthur, the boy of fifteen, had a strong force of his own faithful Bretons with him, and the discontented nobles met him at Tours with their scanty band of followers. Eleanor, the old queen-mother, was at Mirabeau, near Poitiers. Arthur, with his little army, marched to seize the person of his grandmother, who had always been bitterly opposed to his pretensions. The wary Eleanor took refuge in the strong citadel. While the Poitevin army was besieging this fortress with little caution, John suddenly arrived with a powerful force; and the town was taken by surprise on the night of the 1st of August. Arthur was a prisoner, with two hundred nobles and knights who had followed his unhappy fortunes.

Over the precise circumstances of the fate of Arthur there hangs a terrible mystery. At the beginning of the thirteenth century we have no contemporary chronicler, except Wendover. The later historians furnish us with very doubtful and imperfect notions of the death of the duke of Brittany. That Hubert de Burgh was commissioned to put out the eyes of Arthur, and that he forbore to commit that atrocity, rests upon the authority of one of these transmitters of popular tradition. Shakspeare has made the legend an imperishable fact. Hubert was warden of the castle of Falaise, where the young prince was first confined. He was then moved, according to some writers, to Rouen. He suddenly vanished, says one, in a manner unknown to all. The king was

suspected to have killed him with his own hand, says another. A more circumstantial account says, he took Arthur into a boat, stabbed him twice with his own hand, and threw the dead body into the river, about three miles from the castle. That he was murdered, and at the instigation of John, if not by his hand, there can be little doubt. There was nothing in the nature of the man to make him stop short of assassination.* Those who were taken prisoners at Mirabeau he treated with a cruelty which rarely disgraced the times of chivalry. He loaded them with irons, and kept them in dungeons of Normandy and England. We have distinct records of twenty-five of these prisoners being confined in Corfe Castle; and there, it is stated in the annals of the monks of Margan, twenty-two were starved to death. The Maid of Brittany, Arthur's eldest sister, wore out her life in confinement at Bristol. When, upon the death of his mother, in 1203, John granted a general pardon to "all prisoners, whatever the cause for which they may have been detained, whether for murder, felony, larceny, or breaking the forest laws," he specially excepted "the prisoners taken in our late war, those also whom we sent over from Normandy into England to be there kept and imprisoned."† He could pardon the murderer, but not the soldier who followed the fortunes of his injured prince. John had his reward, in the gathering hatred of all mankind. In 1203, at a meeting of the estates of Brittany, at Vannes, it was resolved that a deputation should go before their feudal lord, king Philip, and demand justice. Upon this, John was summoned to appear, as a vassal of France, at the court of his peers. A safe conduct was demanded on the part of John. He shall come unmolested, said Philip to John's envoy, who put another question as to his safe return. The king of France replied that he should return safe, if the judgment of his peers acquitted him. The bishop of Ely was the representative of John, and he alleged that the duke of Normandy could not come without the king of England, and that the barons of England would not permit their king to run the risk of death or imprisonment. The king of France contended that his rights as paramount lord over the duke of Normandy were not lost because William, who was the vassal

* There is a curious passage in a safe-conduct granted by John, and dated on the 24th of August, from Chinon, in which he says to Alan Fitz-Count and others who were desirous of seeing him, as he had been informed by "Furmie, servant of Arthur our nephew,"—"We command you, however, that ye do nought whereby evil may befall our nephew Arthur." ("Patent Rolls," p. 36.)

† Hardy, "Patent Rolls," p. 62.

of France, obtained England by force. John did not appear; and the court adjudged that "whereas, John, duke of Normandy, in violation of his oath to Philip, his lord, had murdered the son of his elder brother, a homager of the crown of France, and near kinsman to the king, and had perpetrated the crime within the seigniorship of France, he was found guilty of felony and treason, and was therefore adjudged to forfeit all the lands he held by homage." Publicists doubt the legality of the sentence. Of its moral justice there can be little doubt. It was no mere form of words when the fiefs of John were confiscated. Philip took, with scarcely an attempt at resistance, the strong places of Normandy. John's general, the earl of Pembroke, made a gallant attempt to relieve a besieged castle on the Seine. John himself lingered at Rouen, in a voluptuous indifference to disaster; fancying that he could easily recover the power that was melting away from him. At last a strong place in the neighbourhood of the great Norman city was taken, and he fled to England. The Normans, however unwilling to become a part of France, from which they had been so long disunited, were unable effectually to resist the power of Philip. John relied upon the aid of that England which he and his predecessor regarded chiefly as a land to be plundered; and England thought the time was come when her wealth should no longer be dissipated in Normandy, when her language should be spoken by those who ruled over her, when her laws should be administered by those who abided amongst her people, when her Church should be upheld by those who had no foreign bishoprics and abbeys. Rouen fell to the French besiegers. The duchy was won by France. The other provinces were all separated from the rule of the Plantagenets, with the exception of Aquitaine. In two years after, John made one more attempt to gain possession of his ancient fiefs; for the people were somewhat discontented at their fair provinces having lost their distinctive character of independent dominions. In 1206, John landed at Rochelle; took the castle of Montauban; burnt Angers; and left the usual traces of cruelty and devastation. He mingled the excitement of siege and battle with the more congenial excitement of gross licentiousness. His courage, like that of most profligates, was sullen and evanescent. On the eve of a battle he proposed a negotiation, and then stole off to England before a treaty was concluded. Through the legate of the pope an armistice was agreed upon. The contest was at an end.

We have passed through the first act of the great historical

drama which was presented during the eighteen years of the reign of John. England now stands alone. "This precious stone, set in the silver sea," has now to fight her own battles, to assert her own rights, to gather her own harvests, without dependence upon foreign lords. England is a nation. The distinctions of Saxon and Norman are gone. The English people possess the island. But there is one authority, which, having established ecclesiastical supremacy, presumes to assert temporal dominion. The pope of this period, Innocent III., was one of the most resolved and ambitious men that ever filled the papal throne. With spiritual power he was unsatisfied, unless he could render that power an instrument for the subjugation of every European state to a humiliating subserviency. This principle, as expressed by himself in a memorable letter, was that "as God created two luminaries, one superior for the day, and the other inferior for the night, which last owes its splendour entirely to the first, so he has disposed that the regal dignity should be but a reflection of the papal authority, and entirely subordinate to it." He assumed the regency of Sicily during a minority. He decided between rival claimants to the imperial crown of Germany, first setting up one prince and then deposing him. He excommunicated Philip of France for an unlawful marriage, and compelled him to take back his repudiated wife. John of England, always a slave to his violent impulses, when he had lost France, and was unpopular in England, embarked in a quarrel with this dangerous pontiff. In 1207, the see of Canterbury was vacant. The monks of St. Augustine's abbey had always contended, though in vain, for the right to elect the archbishop. The prelates had as constantly resisted this pretension, and had generally agreed to the recommendation of the king in their election of a fit person for this important office. Dr. Lingard justly says, that men such as monks, utterly secluded from the world, were the least calculated to appreciate the merits of the candidates for ecclesiastical dignities. On the vacancy of 1207 the monks of Canterbury clandestinely assembled, and elected their sub-prior to be the head of the Church in England. They dreaded the opposition of the king and the prelates, but they had hope in the character of the pope, and sent their sub-prior to Rome. He divulged the secret; and, upon leaving the kingdom, avowed himself archbishop elect. The monks were alarmed when their proceedings became known, and immediately yielded to the nomination by the king of John de Gray, bishop of Norwich. A deputa-

tion of their body was sent to Rome, and they made oath to John that they would support the bishop of Norwich if a fresh election were required. The pope, having decided that the choice was in the monks, in preference to the suffragan bishops, absolved the deputation from their oaths, and set aside the sub-prior and John de Gray. The monks, under the papal direction, chose Stephen Langton, an Englishman of great learning and ability, then a cardinal at Rome. The choice was, eventually, a fortunate one for England; and it might have been wise for the king to have acquiesced. He took the usual course of his wilful and revengeful nature. He seized upon the monastery of Canterbury, banished the monks who remained, and appropriated its revenues. Innocent, it is stated, wrote him conciliatory letters, which John met with angry defiance. In another year the whole kingdom was placed by the pope under an interdict.

We have described the effects of an interdict upon a province.* When the bishops of London, Worcester, and Ely, by command of Innocent, pronounced the sentence against all the king's dominions, in Passion Week of 1208, they fled the country. Other bishops quitted their pastoral charge, one only being left in England. The monks and nuns had their religious offices within their own walls, but all the churches were closed to the people. Sermons, indeed, were preached in the churchyards on Sundays; and marriages, during the continuance of this universal interdict, were performed at the church-door, as one chronicler states. This anomalous condition of society lasted more than six years. During this period John appears to have conducted himself with more vigour and decision than at any other part of his reign. He compromised a difference with the king of Scotland, without any actual warfare. He led a great army into Ireland, which had been distracted by the rivalries and oppressions of the proud barons who had been deputed to its administration since the time of Henry II. The presence of the English king, with a powerful force, was held as a blessing by the native chiefs and the body of the people. William de Braiose, who had received extensive grants of land at the beginning of John's reign, conscious of his crimes, hurried to France, leaving his wife and son in the hands of John. A brief entry in the chronicle of Florence of Worcester, tells their fate: "Matilda de Braiose and William her son were starved to death at Windsor." The two De Lacys, amongst the most oppressive of

* Page 297.

the Norman aristocracy in Ireland, also fled to France, and subsisted as labourers in the garden of an abbey. After two or three years, their rank was discovered by the abbot, and through his intercession they were restored to the king's favour. Ireland was, before the visit of John, a prey to those lawless outrages which are invariably the result of tyrannous government. Dublin was peopled, in a great degree by colonists from Bristol, under a grant from Henry II. On some occasion of country festivity at a place called the Wood of Cullen, when many of these citizens were present, a great body of lawless people came down from the Wicklow mountains, and massacred three hundred men, women and children. Some of the English laws had been introduced by Henry II., and his grants of land were according to the feudal tenures. John originated some useful reforms. He divided the portions of the kingdom in his possession into shires, each with its sheriff and other officers, and he coined the first sterling money circulated in Ireland. A record of the reign of Henry III. says, that king John "brought with him into Ireland discreet men, skilled in the laws, by whose advice he commanded the laws of England to be observed in Ireland." He left John de Gray, bishop of Norwich, as his chief justiciary, a man of talent and discretion. During the troublous future of England in this reign the sister island was tranquil and prosperous.

The expedition to Ireland was followed next year, 1211, by an attempt to repress the incursions of the Welsh. John advanced to the foot of Snowdon, and there received twenty-eight young men, as hostages, from Llewellyn. During these warlike operations in Ireland and Wales, the interdict had been followed by a sentence of excommunication against John personally. By the most rigorous watchfulness of the ports its publication was prevented. We have no means of judging of the general social condition of the kingdom during the period when the usual course of its ecclesiastical life was suspended. The marches of the king to Scotland and Ireland and Wales were, doubtless, intended to give occupation to discontented nobles and dangerous men-at-arms. But they were costly. The Jews were, as usual, plundered without scruple; and the memorable expedient of drawing a tooth daily from a Jew at Bristol, until he paid down ten thousand marks, is recorded in connection with the Irish expedition. There is an instrument of John, addressed to the mayor and barons of London, in which he marvels that the Jews have been molested in their city,

and says, "You know that the Jews are under our special protection. . . . If we had granted our protection to a dog it ought to be inviolably observed."* The protection of John was like that which was given to Sindbad and his companions by the Magian people, who fed their victims till they became fat and stout, and then served them as meat to their king. What the Jews could not supply was taken from the churches. The industry of the people was little affected by the suspension of religious officers. London bridge—the identical bridge over which thousands now living have passed—the bridge which stood boldly up against flood and frost for more than six centuries—was finished in 1209, having been thirty-three years in course of erection. John took an interest in the completion of this important work, for in April, 1202, he recommends—in a letter to the mayor and citizens of London, dated from Molineux,—“the renowned Isenbert,” by whose diligence the bridges of Saintes and Rochelle were constructed in a very short time. He has exhorted “his faithful clerk” “to use the same diligence in building your bridge.” The renowned Isenbert was one of those accomplished ecclesiastics, who have left enduring works of beauty and utility, but whose names have, in many cases, faded from our national regard. The original architect was Peter Colechurch, a London curate.

The interdict had lasted four years. To suspend the offices of religion through a whole kingdom, at a time when abstract questions of faith had no influence on the actions of men, and there was consequently a nation of faithful sons of the Church, with a very few concealed misbelievers, (*miscreants*)—this would appear the very last mode by which the cause of Christianity could be upheld. But Christianity, as we regard it—the highest and holiest principle of human action—the great sustaining power under all the evils of life—the one solid warranty of a life beyond the grave when all shall be judged according to their works,—this was not the simple faith, founded upon the Testament of Christ, which the pope might seem to have endangered when he shut up the churches. If the Holy Scriptures had been accessible to the people—if the habit of private and family worship had been a part of the Christian life of those times—the interdict would have done something to destroy the popular belief in relics, and penances, and mere ceremonial observances, and have swept away much of the falsehood which Wickliffe assailed a century and a half afterwards.

* Hardy, "Patent Rolls," p. 61.

But when England was laid under an interdict for the contumacy of the king, the private activity of the clergy would only stimulate the people against the secular power, without risk to the security of the one universal church. It is probable that John himself had not the slightest particle of religious feeling, and that if he could have held his regal power, it was a matter of indifference to him whether his people were Mussulmans or Christians. There is an extraordinary story, believed by some, disbelieved by others, that during the height of his contest with the pope he sent a deputation to Mohammed-al-Nassir, the emir of the Arab provinces of Spain, who was threatening the south of Europe with the extirpation of Christianity, to avow the determination of the king to embrace the Mohammedan faith, on certain conditions. According to the state of his fortunes, and the consequent bent of his mind, John was defiant to the ecclesiastical power, or grovelling at its feet. There is a warrant of his, dated from Normandy in the early part of his reign, in which he says, "Know ye, that we have given licence to Peter Bullo to enter into any religion he pleases."* There is a letter from him to the Seneschal of Gascony, dated from the New Temple in London, 1214, when he had received the pardon of the pope, in which he says, that having "heard that the execrable infidelity of certain heretics has begun to spread itself anew over your country," he commands the seneschal "to take pains utterly to confound, and entirely exterminate them and their detestable iniquity."† Innocent, the pope, well knew that this man was utterly without any religious principle—was licentious to an extent which disgusted and outraged even those men of power who were not themselves over-scrupulous—and, though rash in provoking danger, and obstinate in encountering it, was ready to make a cowardly retreat when his peril was imminent. For four years, therefore, the pope persevered in the interdict. That it slowly and silently alienated the people from the king cannot be doubted: but John still stood, with an apparent boldness that looks heroic. The interdict had not shaken him. There was one terrible weapon still left in the papal armoury. In 1213 Innocent proceeded to act upon the formal excommunication which he had previously issued, by deposing the king of England, absolving his vassals from their fealty, exhorting all Christian princes and barons to unite in dethroning him, and excommunicating those who held any intercourse with him. Had John been a man boldly and confidently to throw him-

* Hardy, "Patent Rolls," p. 60.

† Ibid., p. 103.

self upon his people, it is probable that this outrage would not have been endured by the nobles and freemen of England; for by this excommunication all the ordinary operations of law were suspended. There was impunity for crime. There was no safety for property. Two legates, Pandulph and Durand, had come into England, in 1212, and proclaimed this deposition of the king before a great assembly at Northampton. At this council John is stated to have established, before the legate, what he considered his force of character, by ordering some hostages in his power to be hanged, blinded, or mutilated. The legate, Pandulph, says the chronicler,* was unmoved by his exhibition of power; but when a priest was ordered to be hanged for forgery he rushed out for a candle to perform the sentence of excommunication, and he consented only to defer this proceeding by the surrender to him of the offending priest. In another year the sentence was pronounced. Dr. Lingard explains how the popes came to assume the power of deposing kings. They were at first contented with spiritual censures; but when all notions of justice came to be modelled upon the feudal principles, it was maintained that sovereigns, who held their fees from God, became traitors by disobedience; that as traitors they ought to forfeit their kingdoms or fees; and that the pontiff, the vicegerent of God upon earth, had the right to pronounce sentence against them for the violation of fealty. We cannot be surprised that John was not prompt in submitting to such an arrogant doctrine. But at length Innocent found a willing instrument to enforce his sublime pretensions to be the sovereign of sovereigns. He promised to grant Philip of France the kingdom; and Philip assembled a great army at Rouen, and an armament of seventeen hundred ships in the Channel, for the invasion of England. John, to do him justice, was not inactive. He issued orders that every ship in his dominions, capable of the freight of six horses, should assemble at Portsmouth; and every man that could bear arms was summoned to the coast of Kent. Instead of waiting for Philip, this fleet crossed the Channel, destroyed many ships at Fecamp, and burned Dieppe. The invasion was postponed by this well-timed boldness. But it was the fate of John never to have the wisdom to use a triumph or to lessen a misfortune. While he awaited at Dover the result of the expedition to the shores of Normandy, the legate Pandulph again arrived. John was now terrified by imaginary dangers as well as by real ones. Pandulph worked upon his fears of Philip, of his

* "Ann. Waverleiensis."—See Macintosh, *History*, vol. i. p. 207.

own barons, of the churchmen whom his contumacy shut out from their functions and influence. But there was, in the depths of that soul, so destitute of real veneration for sacred things, that grain of superstition which terrifies and enfeebles those with whom earnest belief has no consoling and strengthening influence. A fanatic called Peter—the "Peter of Pomfret" of Shakspeare—had prophesied that before Ascension-day John would cease to reign. That feast of the Ascension fell on the 16th of May. To avert this danger, he hurriedly submitted to the legate. On the 13th of May he subscribed an instrument by which he promised to obey the pope, in the admission of Stephen Langton to the archbishopric; to recall the exiled bishops, and others who had taken part against him; to reverse outlawries; to make restitution for property unlawfully seized. These conditions being fulfilled, the interdict and excommunication were to be revoked. Four of the most powerful barons guaranteed these stipulations on the part of John. The next day was spent in secret council with the legate. On the 15th of May an act was done, out of whose consequences sprang, in all probability, much of the future civil and religious freedom of England. It was not sufficient for the unstable John to make his peace by a frank submission to the papal demands in the matter of appointment to an archbishopric. He laid the kingdom of England at the feet of the pope of Rome. He took an oath of fealty to the pope as his vassal. He put an instrument into the hands of the legate, subscribed by himself, nine earls, and two barons, by which he granted to Pope Innocent and his successors the kingdom of England and Ireland, to be held of him and of the Roman church in fee, by the annual rent of one thousand marks, reserving to himself and his heirs the administration of justice and the peculiar rights of the crown. Ascension-day came, and John hanged Peter as a false prophet. The people said that he was a true prophet, for that John had ceased to reign in doing fealty to the pope. Dr. Lingard, whilst he acknowledges that the act was "disgraceful," appears to think that the blame of this transaction "must be shared with John by the great council of the barons, his constitutional advisers,—the very men who, two years later, extorted from him the grant of their liberties in the plain of Runnymede." There is a letter extant from an agent of John at Rome, in which he reports to the king that the barons had stated to the pope that to their compulsion was owing the act which had given Innocent his superiority over the English crown. But there are other documents which put this matter in a

different point of view. In two letters written by John himself to the pope, after his signing of the great charter, he complains that "the prelates of our realm, by their obstinacy and disobedience, endeavour to frustrate the effects of your pious providence;" and he says, "whereas, before we were disposed to subject ourselves and our realm to your dominion, the earls and barons of England never failed in their devotion to us; *since then, however, and as they publicly avow for that reason*, they have been in continual and violent rebellion against us."* The earls and barons, who extorted the great charter, were acting in strictest concert with "the prelates of the realm;" and it would be satisfactory to believe, as we desire to do upon the authority of this letter, that the measure of the king's iniquities was filled up and overflowing in their view, when he had humbly knelt before the legate of the pope on the 15th of May, 1213, and degraded England to a fief of the holy see.

Upon the absolute submission of John to the pope's authority, it was notified to Philip of France that the king of England had been received as a repentant son of the church, and that no attempt must be made upon his dominions. In this disappointment of his ambition Philip unwillingly acquiesced; and proposed to invade England unsupported by any papal encouragement. Ferrand, earl of Flanders, who held this earldom as a vassal of France, refused his consent to join in the invasion; and a war ensued. Ferrand invaded France, and John sent assistance to him from England, in a powerful fleet. There was a signal victory, in which English ships, loaded with armed men, captured and burnt a French fleet. The scene was Damme, near Bruges. Southey calls this "the first great naval action between the English and French." Macintosh more correctly says, "These battles between soldiers embarked in boats which were navigated by seamen or fishermen, were not what are called in modern language maritime engagements." But this partial success was converted into an evil by the misjudging king, who in his elation of spirit imperiously called upon his barons to follow him to war in France. They came at his bidding to Portsmouth with their armed retainers; but they refused to embark till he had recalled the exiled prelates and laity as he had covenanted. He at length complied. Stephen Langton now came to take possession of his see, and with him the churchmen who had fled the kingdom. There were tears

* Hardy, "Patent Rolls," p. 73.

and promises on the king's part; but none confided in him. Still the barons refused to sail with him. They said their term of feudal service was expired. They stayed behind, to deliberate upon the grievances of the kingdom, at a council at St. Alban's. They then issued a proclamation, in the royal name, commanding the laws of Henry I. to be observed. When the king found that the barons had not followed him to Jersey, where he waited, he returned in fierce indignation, determined to punish those whom he denounced as traitors. Langton met him, and told him the honest truth that it was not for a king to punish any man without trial, and that the barons were ready to answer in the king's court. The patriotic archbishop convened another council at London, and here he produced what was called the charter of Henry I.—a code of ancient Saxon laws with Norman additions. All those of the council then took an oath to maintain their liberties. In this brief trial of strength the people were roused. The oppressions of several generations had bound men in a fellowship of suffering. They were now ready for revenge. The mercenaries of John shrank before the bands of bold yeomen who had mighty bows and cloth-yard shafts. But blood was not then spilt. John at length made an attempt to recover a part of the old Plantagenet dominions. In 1214, he landed at Rochelle, and obtained some advantages in Poitou. While he was absent from England, the interdict of the pope had been rescinded. The king had left much discontent behind him; but he had the old false confidence in his reviving fortunes. The alliance which he had formed with Germany and Flanders, and the support of the pope, led him to believe that the time was approaching when he should be duke of Normandy more than in the barren title upon his great seal. Whilst John was in Poitou, France was invaded by troops under the emperor of Germany, the earl of Flanders, the earl of Boulogne; and by English under the earl of Salisbury. Philip met these combined forces, amounting to a hundred and fifty thousand men, with half the number of the chivalry of France. On the 27th of July, a great battle was fought at Bouvines, a village between Lisle and Tournay. It was the greatest battle of those times; and its result was the utter rout of the allied armies, and the overthrow of the hopes of John. He concluded an ignominious truce with Philip, and returned to England in October.

In the train of John came a large body of foreign mercenaries. After an unquiet time of eight months, the king was compelled to

write, "We will send out of the kingdom, as soon as peace is restored, all foreign soldiers, cross-bowmen, and stipendiaries, who are come with horses and arms, to the injury of our kingdom."* But he came, in that autumn of 1214, with the belief that with horses and arms he could be, "for the first time, king and lord of England." These are the words which he is reported to have used when he heard of the death of his justiciary Fitzpeter, who had held John's arbitrary nature under some sort of control. There were now two eminent persons, amongst many other bold and earnest churchmen and laity, who saw that the time was come when no man should be "king and lord in England" with a total disregard of the rights of other men; a time when a king should rule in England by law instead of by force, or rule not at all. Stephen Langton, the archbishop, and William, earl of Pembroke, were the leaders and at the same time moderators, in the greatest enterprise that the nation had yet undertaken. It was an enterprise of enormous difficulty. The pope was now in friendship with the king, and this might influence the great body of ecclesiastics. The royal castles were in possession of the mercenary soldiers. The craft of John was as much to be dreaded as his violence. But there was no shrinking from the duty that was before these patriots. They moved on steadily in the formation of a league that would be strong enough to enforce their just demands, even if the issue were war between the crown and the people. The bishops and barons were the great council of the nation. Parliament, including the Commons, was not as yet, though not far distant. The doctrine of divine right was the invention of an age that sought to overthrow the ancient principle of an elective monarchy, in which hereditary claims had indeed a preference, but in which the sovereign "is appointed to protect his subjects in their lives, properties and laws, and for this very end and purpose has the delegation of power from the people." So wrote Sir John Fortescue to the young Henry VI. to instruct him in his duties. So thought our Teutonic forefathers. So thought the barons of king John. Such was the opinion of Englishmen, generally, of the foundations of our Constitution, till the prerogative lawyers of the time of the Stuarts came to preach up the rights of arbitrary power; and the most popular historian of England taught that, in what he is always calling rude times, and superstitious times, there was no spirit of freedom to control and balance the many acts of violence and injustice with which the history of

* Magna Charta. "So thought our Teutonic forefathers. So thought the barons of king John. Such was the opinion of Englishmen, generally, of the foundations of our Constitution, till the prerogative lawyers of the time of the Stuarts came to preach up the rights of arbitrary power; and the most popular historian of England taught that, in what he is always calling rude times, and superstitious times, there was no spirit of freedom to control and balance the many acts of violence and injustice with which the history of

our early period commonly deals. Admirably has Mr. Hallam said, "God forbid that our rights to just and free government should be tried by a jury of antiquaries. Yet it is a generous pride that intertwines the consciousness of hereditary freedom with the memory of our ancestors." To these ancestors we owe Magna Charta,—not the result, as some affect to think, of "an uninteresting squabble between the king and his barons," but the assertion of as large principles of liberty as could grow in a practical shape out of the social circumstances of England at the beginning of the thirteenth century. The memorable meeting of Runnymede was preceded by a more solemn meeting; when upon the altar of Saint Edmundsbury, the barons, on the 20th of November, 1214, solemnly swore to withdraw their allegiance from John, if he should resist their claims to just government. They had not only public wrongs to redress, but the private outrages of the king's licentiousness were not to be endured by the class of high-born knights whom he insulted through their wives and daughters. From Saint Edmundsbury the barons marched to London, where the king had shut himself up in the Temple. When their deputies came into his presence, he first despised their claims, and then asked for delay. The archbishop of Canterbury, the earl of Pembroke, and the bishop of Ely, guaranteed that a satisfactory answer should be given before Easter. The king employed the time in the endeavour to propitiate the Church, by promising a free election of bishops. He took the Cross, and engaged to wage war with the infidels. He sent to Rome, to implore the aid of the pope in his quarrel. And the pope came to his aid; and commanded Langton to exercise his authority to bring back the king's vassals to their allegiance. At Easter, the barons, with a large force, assembled at Stamford. John was at Oxford, and Langton and Pembroke were with him. They were sent by the king to ascertain the demands of their peers; and these messengers, or mediators, brought back the written articles which the king signed at Runnymede. As the archbishop solemnly repeated these demands, John went into a furious passion, and declared that he would never grant liberties which would make himself a slave. The archbishop and the earl took back his refusal. "The army of God and holy Church," as the barons proclaimed themselves, then advanced upon London, which they entered on the 22nd of May. The citizens had previously agreed to make common cause with them. There is a curious document dated the 20th of May, which exhibits the anger of John at this circumstance, and

the pettiness of his revenge: "The king to all his bailiffs and faithful people who may view these letters. Know ye, that the citizens of London in common have seditiously and deceitfully withdrawn themselves from our service and fealty; and therefore we command you that when they or their servants or chattels pass through your districts, ye do offer them all the reproaches in your power, even as ye would to our enemies; and in testimony hereof we send you these our letters patent."* On this 20th of May, John was at Winchester. He then journeyed to Windsor, where he remained from the 31st of May to June 3rd. He then returned to Winchester. On the 10th of June he is again at Windsor, which is his abiding place for a fortnight. On Monday the 15th of June he goes from the adjacent castle to Runnymede. The time and place of meeting was by solemn appointment. The great business of the assembly was accomplished on that day; but we find John at Runnymede on six subsequent days, between the 15th and the 23rd of June. The castle of Windsor was not then on the spot where the flag of England still waves over the proud keep of Edward III. It was on that western side, where a bold tower of the twelfth century now rises up proudly upon the modern street; and where the fortress, protected by its ditch, then looked down upon the broad meadows watered by the Thames, which, flowing round the base of the chalk hill, gave the beautiful name of Windleshora to the beautiful locality. From that fortress goes forth king John. From London has marched the army of the barons. The long low plain of Runnymede, bounded on one side by the Thames, on the other by a gentle line of hills—the island in the river where some hold that the Charter was signed—the gentle aspect of the whole scene—this famous spot speaks only of peace and long tranquillity. In this council-meadow—for Rune-med means the mead of council—king and earl had often met in solemn witan, before the Norman planted his foot on the island. A great mixed race had preserved the old traditions of individual liberty, which belonged to the days before the Conquest. The spirit of the ancient institutions had blended with the feudal principles, and in their joint facility of adaptation to various states of society, would, practically, be the inheritance of generation after generation. To that great meeting at Runnymede came some citizens of London with the mailed knights. Perhaps there were some servile tenants amongst the crowd, who wondered if for them any blessing would arise out of

* Hardy, "Patent Rolls," p. 61.

the differences between the king and their lords. Yet the iron men who won this Charter of liberties dreamt not of the day when a greater power than their own—the power of the burgher and the villan—would maintain what prelate and baron had sworn to win upon the altar of Saint Edmundsbury. Another order of men, who gradually worked their way out of that state in which they were despised or neglected, have kept, and will keep, God willing, what they of the pointed shield and maseled armour won on the 15th day of June, in the year of grace 1215.

Magna Charta, the Great Charter of Liberties, is commonly regarded as the basis of English freedom. This is, to some extent, a misconception. It was a code of laws, expressed in simple language, embodying two principles;—the first, such limitations of the feudal claims of the king as would prevent their abuse; the second, such specification of the general rights of all freemen as were derived from the ancient laws of the realm, however these rights had been neglected or perverted. It contained no assertion of abstract principles of freedom or justice, but met unquestionable evils by practical remedies. To imagine that this charter contained any large views of government that were not consistent with the condition of society at the time of its enactment, is to believe that the men who enforced it, with their swords in their hands, were, to use a modern expression, before their age. If they had been before their age, by any fortuitous possession of greater wisdom, foresight, and liberality, than belonged to their age, that Charter would not have stood up against the legal power which again and again assailed it. It was built, as all English freedom has been built, upon something which had gone before it. It was not a revolution. It was a conservative reform. It demanded no limitation of the legal power, which had not been acknowledged, in theory, by every king who had taken the coronation oath. It made that oath, which had been regarded as a mere form of words, a binding reality. It defined, in broad terms of practical application, the essential difference between a limited and a despotic monarchy. It preserved all the proper attributes of the kingly power, whilst it guarded against the king being a tyrant. The feudal monarch was invested with many privileges, as the lord of a body of feudatories; and these privileges, as society gradually assumed a character less and less feudal, became the sources of endless oppressions for several centuries, and were slowly swept away, one by one, in the gradual development of representative government. To have

imagined that the barons of Runnymede could have regarded the king simply as the sovereign of the realm,—as the chief magistrate—as the fountain of justice—as the great central point of administration—is to imagine an impossibility. They had feudal interests to regard as a feudal aristocracy. It is both unjust and unwise to consider the barons as mere selfish men, because the Charter provided a remedy for many wrongs that more especially bore upon themselves, in their feudal relations to the king. It limited the royal practice of extracting arbitrary sums under the name of reliefs; of wasting the estates of wards; of disposing in marriage of heirs during minority; and so of heiresses, and of widows. It brought back the right to demand aids strictly to the original conditions of the feudal tenures, which had been perpetually extended at the pleasure of the king. To levy an aid upon the tenants of the crown, in any case beyond the legal ones of the king's personal captivity, the knighthood of his eldest son, or the marriage of his daughter, the consent of the great council of the tenants in chief was necessary.* So also was limited the right to scutage, or compensation for knight-service. But at the same time the chief tenants agreed that "every liberty and custom which the king had granted to his tenants, as far as concerned him, should be observed by the clergy and laity towards their tenants as far as concerned them." Such are the principal clauses of the Charter as regards the great body of feudatories, in relation to the crown, and in relation to their sub-tenants. But there were other conditions of more permanent importance which had regard to the sovereign authority over all men. These were derived from the great Saxon principles of freedom, which a century and a half of Norman power had more or less obliterated, but had not destroyed. A fine old writer upon our Constitution, during the great struggle of the days of Charles I., says, "Never people in Europe have had the rights of monarchy better limited, with the preservation of the subject's liberty, than the English, from this basis."† But that basis, he also says, was contained "in the ancient customs of the kingdom." The Charter was in accordance with the great principle of preservation and progress, by which it has been maintained and extended for more than six hundred years. Let us briefly notice what we derive from this Charter which still belongs to our own time, and is an essential part of the rights of every Englishman. A large portion of the

* This clause was subsequently expunged from the Charter by the influence of the Crown.

† Twysden on "the Government of England," Camden Society, p. 61.

people, the villans and serfs, had little or no participation in the rights which it asserted; but the very assertion hastened a period when all should be equal before the law.

Passing over the clauses of the Charter which protected the tenants and sub-tenants from illegal distresses of the crown,—which attempted to limit the abuse of purveyance, or the right of the king's officers to take necessaries for the royal household on their own terms,—which prescribed an uniformity of weights and measures,—which protected merchant strangers,—and which confirmed the liberties and free customs of London, and other cities and towns,—let us look at the broad principle of government which is contained in these words;—"No free man shall be taken, or imprisoned, or disseised, or outlawed, or banished, or any otherwise destroyed; nor will we pass upon him, nor send upon him, unless by the legal judgment of his peers, or by the law of the land. To no man will we sell, to no man will we deny or delay, right or justice." In the charter of Henry III., which was a confirmation of that of John, we find that no man was to be "disseised of his freehold, or liberties, or free customs," by any arbitrary proceeding. Life, liberty, and property were thus protected. No man, from that time, could be detained in prison without trial. No man would have to buy justice. The Charter recognised the Court of Common Pleas, and the circuits of judges of assize, which had been before established. But it put an end to that enormous corruption by which justice was sold, not by mere personal bribery of corrupt ministers of the crown, but by bribing the crown through their hands. The rolls of the Exchequer present constant evidence of sums of money received by the king to procure a hearing in his courts. Some suits, through this corruption, were rendered as protracted and ruinous as those of Chancery in recent years through neglect and vicious formalities. There was a dispute about a marsh between the abbot of Croyland and the prior of Spalding, which lasted through Richard's reign and great part of that of John. The abbot and the prior went on during these years out-bidding each other to obtain a hearing; and security was at length given for the payment of the bribe, as if the transaction were perfectly regular. It was time that justice should cease to be sold or delayed.

The Great Charter, as we see in these broad provisions, applied only to free men. A large portion of the people were in the condition of villanage. Some were in a state of slavery. Those who

held by servile tenures were thus incidentally mentioned in a clause respecting wardship: "The warder of the lands of such heir who shall be under age, shall take of the land of such heir only reasonable issues, reasonable customs, and reasonable services, and that without destruction and waste of the *men and things*." The men went with the land as chattels. One sole piece of consideration for the "*ascripti glebæ*" occurs in the Charter; upon the subject of americiament, or fines to the king,—the mulcts of the Anglo-Saxons:—"A free man shall not be amerced for a small fault, but according to the degree of the fault, and for a great crime in proportion according to its magnitude; saving alway to the freeman his tenement, and after the same manner saving to a merchant his merchandise. And a villan shall be amerced after the same manner, saving to him his wainage, if he falls under our mercy; and none of the aforesaid americiaments shall be imposed except by the oath of the good men of the neighbourhood." The expression, "*salvo wainagio suo*," saves to the villan his implements of husbandry—his carts and ploughs. It was a small privilege; but it indicates that this class was not out of the protection of the law. The specific provisions of the Great Charter went to the remedy of existing evils as they presented themselves in the existing state of society. Generations passed away before villanage and slavery ceased to exist in England. Their abolition was the result of the internal forces, so to speak, of society, and not of sovereign grace or legislative enactment. The barons of England did the work which was called for in their generation; and they left to their successors in the battle for liberty, whether they were noble or plebeian, to carry on the same work in the same practical and temperate spirit. "From this era a new soul was infused into the people of England."* The principle was rooted in our English earth, like the Ankerwyke Yew, which was a vigorous tree on the opposite bank of the Thames, when "the army of God and Holy Church" stood upon Runnymede, and which still bears its green leaf after six hundred and fifty winters.

* Hallam, "Middle Ages."

CHAPTER XXIV.

Provisions for the Observance of the Charter.—Movements of John after Runnymede.—Crown offered to Prince Louis.—Death of John.—Ascension of Henry III.—Battle of Lincoln.—The French quit the country.—Death of the Regent, Pembroke.—Confirmations of the Charter.—The King's assertion of prerogative.—Exactions of the King and the Pope.—Libels.—Royal dignity.—Purveyance.—Justice sold.—The Londoners oppressed.—Disaffection of the Londoners.—Violations of the Charter.—Foreign enterprises.—Condition of the Nation.—Value of money.—Industry taxed.—Great Council at Westminster.—Provisions of Oxford.—Simon de Montfort.—Battle of Lewes.—Burgesses summoned to Parliament.—Battle of Evesham.

ON the 23d of June, 1215, the deliberations were closed at Runnymede. The securities for the working of the Charter were such as the strong would enforce upon the weak, when the weak was also untrustworthy. Twenty-five barons were to be chosen by the barons assembled, to maintain the observance of the peace and liberties granted and confirmed; so that if the king or his officers violated any of the conditions, four out of the twenty-five barons so chosen might petition for redress of the grievance, and if not redressed within forty days, the cause being laid before the rest of the twenty-five, they, "together with the community of the whole kingdom, shall distrain and distress us all the ways possible; namely, by seizing our castles, lands, possessions, and in any other manner they can, till the grievance is redressed according to their pleasure, saving harmless our own person, and those of our queen and children; and when it is redressed, they shall obey us as before." This solemn recognition of the right of levying war upon the king, should he fail in the observance of his promises, appears irreconcilable with any principle of stability in the government; and yet, in dealing with a ruler so perfidious as John, it is difficult to imagine any more sagacious mode of control than that which placed a power of remonstrance in the hands of a few, and then organised a body who should deliberately exercise the right of resistance, as the organ of the national will. Through the whole long and dreary reign of Henry III., a struggle went on for the confirmation and extension of the Charter, which at last ended in civil war. But during that period, in some respects the most important, although the dullest, in our annals, the great body of the