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 amerciament, 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 amerciaments 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 Charters.—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 irreconcileable 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

people were steadily increasing in numbers and wealth; and in half a century from the memorable days of Runnymede, the commons of England were sitting in parliament with the barons; and redress of grievances, instead of being effected by the taking of royal castles, was enforced by the denial of supplies.

The traditions of the cloister record that John, after signing the Charter, retired to the Isle of Wight, and passed three months in the island or at sea. The poet takes up the legend—

> "Here mused the sullen mind, and o'er the deep
> Cast how in blood the scepter'd hand to steep." *

The attestations of John, as traced upon the Patent Rolls, show, on the contrary, that in the last five days of June, 1215, he was at Winchester, and then was moving about through July, to Marlborough, Devizes, Calne, Cirencester, Clarendon, Corfe Castle, Woodstock, Oxford, and Bridgenorth. At the end of August he is at Sandwich, and through September at Dover and Canterbury. He has important business on the coast of Kent. He is waiting for an army of mercenaries. He has had meetings at Winchester and at Oxford with the barons, who suspected that he was meditating treachery. Gradually numerous bodies of freebooters, from Poitou, from Gascony, from Flanders, from Brabant, landed in the country, and gathered around the king at Dover. Rochester Castle was in the hands of the barons; and John arrived with his army to besiege it. After a siege of eight weeks, it was reduced by famine. The king, with his accustomed ferocity, was about to hang the whole garrison, but was contented with a partial butchery. Thoroughly anti-national, this miserable tyrant is now in his proper element, surrounded by a host of foreign marauders. Wherever he marches his course is to be tracked by fire and blood. He comes near London; but the attitude of the city is alarming. One great ally he has—the pope. A bull is issued, excommunicating the barons, and annulling the Charter. England, said the insolent mandate, had become a fief of the holy see, and the king of England had no right to surrender the privileges of the crown without the consent of his feudal superior. England replied by utterly despising the authority of the arrogant head of the church, and telling him that in temporal concerns his interference was without any warrant; for that to Peter and his successors the control in ecclesiastical matters had alone been entrusted. There were great statesmen in England in that crisis. There were honest churchmen, who had the hearts of patriots. Stephen Langton, the archbishop, was one of these. He refused to excommunicate the disobedient barons, and was, of course, suspended from his functions. The king, thus supported, saw no impediment in the way of crushing the young liberties of the people under his iron heel and of surrendering the independence of the church to the insolent power of Rome. The country was over-run by his fierce mercenaries. He marched to the north with a determination to recover his authority by the terrors of a wide-spreading desolation, without one passing thought of justice or mercy. As he entered Scotland, in revenge for the alliance which its king, Alexander II., had formed with the barons, he burned the abbeys without distinction, and having rested at a village, set fire with his own hand, when he departed in the morning, to the house in which he had slept the previous night. In the south the same work of terror went forward, under the command of John's illegitimate brother, the earl of Salisbury. The barons despaired of their cause, for the people fled before these hell-hounds, abandoning home and property rather than perish under the hands of relentless torturers. Their leaders came at last to a desperate resolution. They offered the crown to Louis, the eldest son of the king of France. To us, who can scarcely place ourselves in a position for justly appreciating the men of the thirteenth century, this resolve appears impolitic. It appeared so to Shakspere; although he makes allowance for the "infection of the time" that compelled "the sons and children of this isle" to "fill up her enemies' ranks." It was a dangerous experiment; but it was surrounded by as many safeguards as could reasonably be attempted. Louis advanced some pretensions to a title to the English crown, in the right of his wife, Blanche, the niece of John. The pretension was frivolous; but it was maintained before the pope upon the ground that John had been attainted of treason in the court of his brother Richard, and had been adjudged a felon in the court of the peers of France; and that his children, being born after these condemnations, were divested of all rights which their father had previously forfeited. Innocent was too adroit to be deceived by such representations, and proceeded to excommunicate Louis and his supporters. But the young prince was not willing to give up the prize which had been presented to his ambition. John is at Dover with his mercenaries in great force, in May, 1216. We trace him on the Kentish coast from the 27th of April to the 20th of May.

* "The Fair Island," by Edmund Peel.

Then, as the French fleet appears in sight, he commences a retreat upon Winchester, ravaging the country after his usual custom. On the 30th, Louis lands at Sandwich, reduces Rochester, and marches upon London, where he is received in solemn procession, and is paid the homage of the barons and the citizens, he swearing to govern justly, to defend them against their enemies, and to restore them to their rights and possessions. There can be no doubt that Louis was the object of popular enthusiasm. His career was for some time a triumph. But John held the fortresses. The delays in reducing them gave hopes to the cause of the English king. Dover and Windsor offered a prolonged resistance to the forces of Louis and the barons. The castle of Guildford, whose ruined keep still crowns the south side of that flourishing town, was also besieged. The king's character,—so hateful to the people that its odium survived till the days of Richard II., when the insurgents enforced an oath that no king of the name of John should be allowed to reign in England—that character was a tower of strength to his enemies. Even at this time of difficulty by new outrages he had driven his own brother, Salisbury, to the camp of his assailants. But the rule of a foreign prince, so called in to protect a people against a native tyrant, is always open to doubt and suspicion. It was so in the case of that wise and honest foreigner who was summoned to the English throne, in very different times, but for the same object of asserting the right of a people to just government. Louis of France soon lost the confidence of those who had placed the kingdom at his feet. He began to dispense honours and possessions to his own countrymen. The report of the death-bed confession of the Viscount de Melun, that the French prince meant to destroy those who had been most strenuous against John, obtained credence. There was disunion in the camp of the confederates. A long and doubtful struggle might have taken place, in which England might have been driven back a century, had not the tyrant been suddenly called to his last dread account. On the 2nd of October he is at Lincoln; on the 3rd and 4th at Grimsby; on the 5th at Boston; on the 7th and 8th at Spalding; on the 9th, 10th, and 11th at King's Lynn, so called from his favour to that port. On the 12th of October he has marched to Wisbeach. He resolves to cross the Wash—that estuary which the Romans made passable by embanked roads, and which at low water might be safely travelled over. Part of the army had securely crossed. But the tide was flowing in. The river Welland

was descending in a strong current. At a spot still known as King's Corner, between Cross Keys Wash and Lynn, the king's baggage-waggons, his sumpter horses—all the moveables of a royal army—treasures, provisions, armour, clothes—were swallowed up by the waters, and John stood, on the northern shore of the Wash, helpless and despairing. He proceeded, the same night, to the Cistercian abbey of Swineshead. Fatigue and anguish of mind brought on a fever. On the 15th he mounted his horse to continue his march; but was obliged to be placed in a litter, and was borne to Sleaford. The next day he was carried to the castle of Newark; and he there died on the 18th of October. The story of his being poisoned by a monk is apocryphal; but poetry has made the legend its own truth:—

> "Poison'd,—ill-fare;—dead, forsook, cast off:
> And none of you will bid the winter come,
> To thrust his icy fingers in my maw;
> Nor let my kingdom's rivers take their course
> Through my burn'd bosom; nor entreat the north
> To make his bleak winds kiss my parched lip
> And comfort me with cold." *

The death of John was a providential event for England. The surfeit of peaches and new cider, or the poison of a monk, or the mere fatigue and anxiety of the passage of the Wash, either of these attributed causes of his last illness rescued the country from a great dilemma. On one hand was an insufferable tyrant, too faithless for any legal rule, but strong enough to make a successful attempt to fasten the old chains upon the people, in his appeal to their national feelings against a foreign yoke. On the other hand was an ambitious young prince who, if he had won the country, would have regarded it as a fief of France, and would have smothered the growth of a great independent kingdom. Fortunately there were wise statesmen at that crisis who knew their duty. A boy of ten years old, for such was Henry III., might be held in subjection by those who desired the secure establishment of a just government, that should equally avoid the dangers of an oligarchical rule and the despotism of one unbridled ruler. But the first business was to free the land from the foreigner. It was a difficult and delicate enterprise. It required great energy and firmness. It could only be accomplished by prudent pacification after successful war. Louis was not likely easily to forego the power he had partially attained; and it was not, at a time when public opinion

* King John, Act v. Scene 7.

was imperfectly brought to bear upon the interests of adverse factions, the mere upraising of the banner of a native boy-king that would turn away nobles and knights in arms from their mistaken resolve "to follow unacquainted colours here." To the earl of Pembroke, who had adhered to the fortunes of John, England chiefly owed the release in a year or two from the dominion of the stranger.

The rhyming chronicle of Robert of Gloucester thus records the accession of Henry III.:—

> "Henry was *king imad*, after is fader Jon,
> A Sein Simonides day and Sein Jude at Gloucestre anon."

The feast of Saint Simon and Saint Jude was on the 28th of October. After the burial of John at Worcester, it was an easy march to Gloucester. The form of coronation by which the king was "made" was hastily gone through. A fillet of gold was placed on the child's head, for the crown had been lost in the fatal crossing of the Wash. Gualo, the pope's legate, performed this office. The usual oaths were administered, and homage to the pope was exacted. Three English bishops stood around, with a few nobles. On the 11th of November, at a great council held at Bristol, Pembroke was chosen regent—"Rector regis et regni." Some of the adherents of John had considered that the Great Charter had swept away too many of the ancient rights of the crown, and some of the clauses so objected to were reserved for future consideration. But in its essential spirit it remained unaltered. Those who had called in a foreign prince to maintain that Charter which John would have annulled, were thus conciliated. The supporters of Louis gradually fell off. The principle of nationality was successfully appealed to; for the name of Englishman was one of which the high-born were now proud—the name which a century earlier was spoken by the Norman with scorn and derision. Gualo, the legate, brought his spiritual weapons to the support of the new government, by excommunicating Louis himself, and all who adhered to him. Hostilities between the armies went on till Christmas was at hand, when a truce till Easter was agreed to. Louis hurried to France, and back with reinforcements; but he found that a spirit of dislike to his pretensions had grown up in the nation. The regent had been active in winning over the most formidable barons, and there was a general confidence in his honour and sagacity. The foreign army came to be regarded, not as the deliverers of the English from a na-

tive tyranny, but as plunderers whose excesses could not be endured by a free people. The Londoners, however, continued to adhere to the prince who had come to their succour; although the endurance of their fidelity was constantly threatened by agitation and conspiracy. At last a decisive battle was fought at Lincoln. At the end of April in 1217, the Count of Perche, with six hundred knights and twenty thousand men—"wicked French freebooters," as a chronicler calls them,—marched from London to besiege the castle of Lincoln, which was held by the king's party. Pembroke called out the tenants of the crown, and he marched from Newark with a resolute band, who had been invested with a sacred character by the legate. Having been promised the privileges of crusaders they advanced with white crosses sewed on their breasts. The French army was within the walled town; but the castle held out, being bravely defended by Nichola de Camville, the widow of its hereditary governor. Had the Count of Perche taken the open field against Pembroke's small army, the superiority of the French cavalry might have prevailed over the English bowmen. But Pembroke boldly entered the town whilst a sortie was made from the castle; and in the narrow streets, where the horse could not act with advantage, a merciless slaughter ensued, and the French army surrendered to the inferior numbers. The Count of Perche had fallen, refusing to accept of quarter. This victory, which from its easy accomplishment was called "The Fair of Lincoln," was grossly abused by the royalists. The city which had resolutely adhered to the cause of the barons, was given up to pillage; and many of the wretched inhabitants perished in their flight over the Witham.

This victory of the 20th of May might not have decided the contest, had it not, within three months, been followed up by a great naval success. Under the command of a famous pirate, Eustace the Monk, an armament of eighty large vessels put to sea from Calais, on the 24th of August, for the purpose of effecting a landing on the Thames, to aid Prince Louis. Hubert de Burgh, the justiciary, a resolute and able man, collected forty vessels in the Cinque Ports, and boldly set sail from Dover to meet the invaders. The contest was a singular one, if we may credit the statement that De Burgh caused powdered quick-lime to be scattered in the air, which the wind carried into the faces of his enemies. The boarding-axes of the English were, as we may well believe, much more formidable than the quick-lime. The victory was complete. From that day the cause of Louis was hopeless.

The regent was too high-minded to exact severe terms from his opponent. On the 11th of September a treaty was signed, on an islet of the Thames, near Kingston. An amnesty, with a participation in all privileges, was granted to the English adherents of Louis; he and his followers were absolved from all spiritual censures; and he was conducted to the coast by the earl of Pembroke. Roger of Wendover says that Louis received five thousand pounds to meet his necessities. Others record that the citizens of London lent him the money. Henry's government appears to have held out promises of large sums to insure his quiet departure.* But some months elapsed before the kingdom settled into peace. Whilst Pembroke strictly observed the conditions of the treaty, the pope's legate pursued the clergy who had favoured the French, with a most vindictive spirit; and the banishment of these excommunicated clerks was insisted upon in the following spring. Some of the castles that had been taken by leaders of the royalists were forcibly retained by them; and the accustomed pillage of the people by the armed bands that always harassed the country in troublesome times, went forward, till the laws again maintained their supremacy. Unfortunately for the country, the regent Pembroke died in 1219. But by his moderation and love of justice the Charter of John was now perfected by a Charter of the Forests, in which the terrible penalties for destroying the king's deer were abolished, and the milder punishments of fine or imprisonment were substituted. Pembroke left a noble example to English statesmen of the principle upon which the blessing of just laws could alone be made permanent—a constant reparation, instead of a sweeping change. The Charter and its subsequent improvements were essentially practical reforms; and thus they resisted every attempt to overturn them, during a coming century of struggle, and stood boldly up, equally strong against a weak Henry or a powerful Edward. Pembroke bestowed the Charter upon Ireland; and provided that it should live in the popular mind of England, by being read periodically in the county courts.†

Upon the death of Pembroke, Hubert de Burgh succeeded to the regency. His nature, unlike that of Pembroke, did not rise above the tyranny and cruelty of his times. He repressed disorders with unrelenting severity; and he obtained, in 1223, a bull from the pope, declaring Henry competent to do all royal acts;

* Close Rolls, Feb. 12, 1218.

† The monument of Pembroke is still to be seen in the Temple Church of London.

which bull was followed by a disposition to encourage a neglect of the charters in the king's officers. But a remedy was arising out of the condition of the people. The clause of Magna Charta which said, "No scutage or aid shall be imposed in our kingdom, unless by the common council of our kingdom," raised the power of the purse above the power of the sword; for although this clause was omitted in the Charters of Henry III., neither aid nor escuage were "exacted at discretion, throughout his reign."* The nation, generally, appears to have possessed some acknowledged restraining power over the royal lavishers of earlier times, and when it was asked by the king to give "aid," it took care to demand some right in return. For half a century of the days of Henry III., our history is one continuous record of money obtained by redress of grievance. But it is also a record of many arbitrary tallages upon the industrious classes, especially of London, which the king made in the absence of any right of general taxation. Yet, at every new extortion, there was a correspondent weakening of the power to extort. Hume says, of the reign of Henry III., "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?" But if those caprices and weaknesses, those frivolous events, be a mirror of the state of society, they cease to be tedious, and may be as instructive in the prolix annals of Matthew Paris, as the glorious victories of a later period in the fervid strains of Sir John Froissart. It is in the pages of the monk of St. Albans that we may trace the growing influence of a national opinion. "Pass," says Mr. Hallam, "but from the history of Roger de Hoveden to that of Matthew Paris, from the second Henry to the third, and judge whether the victorious struggle had not excited an energy of public spirit to which the nation was before a stranger. The strong man, in the sublime language of Milton, was aroused from sleep, and shook his invincible locks."

In 1225, when the king was nineteen years of age, a common council was summoned to deliberate upon the urgent necessities of the crown for supplies. Hubert de Burgh, the justiciary, set forth the wrongs which had been done in the seizure of domains in France that belonged to the English crown, and asked an aid of a fifteenth upon all personal estates. The aid was granted, under

* Hallam, Middle Ages, vol. ii. p. 331.

very strict limitations as to the mode in which it was to be used; but it was also required that the Charter should be confirmed for a third time. In the form in which it was passed in that year, it still holds a place as the first statute of the English statute law. The collection of the subsidy was immediately enforced; but no foreign successes were the result. In 1227, the king declared himself of age, and set up his prerogative above the Charters in these words: "Whensoever, and wheresoever, and as often as it may be our pleasure, we may declare, interpret, enlarge, or diminish, the aforesaid statutes, and their several parts, by our own free will, and as to us shall seem expedient for the security of us and our land." Had there been a man of deeds, and not of words, upon the throne, this declaration might have put England, even at this hour, into the same condition as that of less fortunate countries, whose kings may interpret, enlarge, or diminish laws by their own free will. But, amongst the great nations of Europe, England stands almost solitary in the assertion which a judge of the time of Henry III. proclaimed—"The king must not be subject to any man, but to God and the law, for the law makes him king. Let the king, therefore, give to the law what the law gives to him, dominion and power; for there is no king where will, and not law, bears rule." * Let no Englishman, who lives under the rule of law, and not of will, forget that this privilege has been derived from a long line of forefathers; and that, although the eternal principles of justice depend not upon the precedents of ages, but may be asserted some day by any community with whom a continued despotism has made them "native, and to the manner born," we have the security that the old tree of liberty stands in the old earth, and that a short-lived trunk has not been thrust into a new soil, to bear a green leaf or two, and then to die.

When this resolved young king, whose "free will" was henceforth to be the guide "for us and our land," had taken his affairs into his own hands, he undertook an expedition into Wales, from which he quickly returned. The next year, he collected an army for the invasion of France; but suddenly quarrelled with his minister, De Burgh, and dispersed his troops. In 1230, he received homage in Poitou and Gascony. From that time, foreigners became his favourites. His quarrel with his able but unscrupulous justiciary, De Burgh, now assumed a formidable character; and, after a violent contest, the minister lost his power. The king's

* Bracton, quoted in Hallam, vol. ii. p. 334.

chief minister is now Peter de Roches, the bishop of Winchester; and he and his foreign adherents are hateful to the English nobles, and the nation is again on the point of civil war. In 1234, De Roches and the Poitevins are dismissed. Henry then enters into the trade of kingship upon his own account. With him, the royal office was indeed a trade. History presents him in scarcely any other light than that of an extortioner or a beggar. Matthew Paris, who has been accused of collecting and preserving "every malicious and scandalous anecdote that could gratify his censorious disposition," * might not be entirely relied upon for this prominent feature of Henry's character and times, but the records of the Exchequer abundantly show, that, for forty years, "there were no contrivances for obtaining money so mean or unjust that he disdained to practise them." † But it was not only the king who was pressing upon the capital of the English nation. The pope had a more than equal share of the spoil. Henry consented to the pontiff plundering the church, till he found that large revenues could not be abstracted from the kingdom without lessening his own resources. As long as he had a due share, the king encouraged the plunderer. The monks said—"When the wolf and the shepherd confederate, it bodes ill for the flock." Which was the wolf and which the shepherd?

Though the age of Henry III. was not an age of printing, it was an age when straws thrown up showed which way the wind blew. There were songs and squibs in those days, which were current in the citizen's hall and the monk's refectory. Some of these have come down to us in Latin rhymes, in Anglo-Norman, and in almost intelligible English. The songs of this period evidently point to a condition of comparative prosperity, for they abound with denunciations against the money-getters. In one of these, the theme is universal bribery.‡ It is a Latin poem, with a cento of quotations. In the Anglo-Norman "Song of the Church,"—

> "Li rois ne l'apostolle ne pensent altrement,
> Mès coment au clers tolent lur or e lur argent." §

In another Latin song of the same age, we are told, in macaronic rhyme, that "the poor man, who possesses little, must be spoiled of his property to enrich the wealthy." In one of these wicked Anglo-Norman libels, the king is laughed at, with an evident

* Lingard, History, vol. iii. p. 216. 8vo.
† Edinburgh Review, March, 1821.
‡ "Contra avaros." Political Songs, published by Camden Society, p. 27.
§ Ibid. page 43 "The king and the pope think of nothing else but how they may take from the clergy their gold and their silver."

knowledge of character, in a way that shows there is nothing new in the irreverence of wit for high station. His sapient majesty is made to say, "I will take Paris, that is quite certain; I will set fire to the river which is called Seine; I will burn the mills, and it will be a terrible thing if they have no bread to eat all the week."* The sober chroniclers come and show us that the libellers are not untrue historians. We have no record that Henry punished the satirical ballad-makers; but, in the third year of the reign of his son, a statute was passed against "devisors of tales, whereby discord, or occasion of discord, hath many times arisen between the king and his people, or great men of this realm." The monk of St. Alban's, who, no doubt, picked up many stray stories and odd scraps of news from "devisors of tales," and read his laborious chronicle for the entertainment of his brethren, was fortunate in having been before the statute of 1275 in its publication.

The monk of St. Alban's does not say soft things of the government he lived under. In 1236, Henry married Eleanor, the daughter of the Count of Provence. The nuptial festivities were of extraordinary splendour. The citizens of London, especially, came forth with all the pomp of their municipal luxury, in mantles worked in gold, and carrying gold and silver cups as they rode in troops on their newly-caparisoned horses. In 1239, the queen bore a son, Edward; and then the streets were illuminated, whilst bands of dancers made the night joyful with drum and tambourine. But Henry, according to Matthew Paris, was not satisfied with barren rejoicings. He sent out messengers to ask for presents, into city and into country. They came back. If well loaded the king smiled. If the gift were small, it was rejected with contempt. "God gave us the child," said a Norman, "but the king sells him to us." In 1251, he went about seeking hospitality of "abbots, friars, clerks, and men of low degree, staying with them, and asking for gifts." The chronicler, two years before this, has recorded that Henry shamelessly transgressed the bounds of royal dignity, by exacting New Year's gifts from the citizens of London. "Lend me a hundred pounds," said the king to the abbot of Ramsay; and the abbot replied, "I have sometimes given, but never lend," and so went to the money-leaders, and borrowed it, "that he might satisfy the wants of this beggar-king." But not unfrequently, as we learn from a remonstrance of parliament in 1248, the king rose above the meanness of the beggar to do

* Political Songs, published by Camden Society, p. 67.

the more legitimate work of the robber. "He seized by force on whatever was used in the way of meat and drink—especially wine, and even clothes—against the will of those who sold these things." Matthew Paris does not explain the nature of these seizures; but we imagine they were made under the old despotic system of purveyance, although that was expressly regulated in the Great Charter. The chronicler adds, "even on the sea coast he tyrannises and oppresses to such a degree, that he does not allow the herrings and other fish to be disposed of at the will of the poor fishermen." But these exactions were more contemptible than destructive to the good order of the realm. This weak king, whose grandfather, however despotic, had worthily laboured to make the sources of justice pure, was himself the great fountain of corruption. His justiciaries went forth on their regular circuits, not for the punishment of offenders, but to compound for offences. In 1240, "under the pretence of administering justice, they collected an immense sum of money for the use of the king, who squandered away everything." He sent forth inquisitors of the forests, who not only ruined all those who had encroached upon the forest borders, but also impoverished many, even those of noble birth, "for a single small beast, a fawn, or hare, although straying in an out-of-the-way place." The Jews, according to the custom of the age, were lawful plunder; and Henry, as regarded them, did not depart from the pious usage of his father. But he did more than any of his predecessors in the spoil of the Israelites. He sold them, as he would a farm, to his brother Richard,

The city of London, in the middle of the 13th century, was a great commercial port, carrying on trade with the ports of the Channel, with Flanders and Germany, and with some parts of Italy. The merchants of Almaine, as they were called in the charter of the 44th of Henry III., had their hall in London, afterwards known as the Steel-yard. They were large importers of grain, flax and hemp, of pitch, of steel. Tin was imported in 1241, from Germany at a lower rate than the tin of Cornwall. London was flourishing. Her merchants were rich. Henry sometimes begged from them and sometimes trafficked with them. The confirmation of the city's charter generally followed an aid; but that form cost nothing, and was proportionably agreeable to the king. The bargaining for an exchange of some real article of value for a money payment was a very unpleasant affair to him. The Londoners, in 1248, bought his jewels, when Henry thus expressed himself; "I

know that if the treasure of Augustus were for sale, these ill-bred Londoners would suck it all up. They call themselves barons, indeed. They possess a surfeit of riches. That city is an inexhaustible well." And so he constantly dipped his bucket into the well. He had always some petty revenge in store for fancied injuries. He asked the abbots of all the Cistercians for a year's value of their wool; for on the downs around their solitary abbeys the nibbling flocks were their principal riches. The monks averred that such a demand would be their ruin, and refused the payment. The king had the prerogative of regulating commerce, and he forbade the Cistercians to export their wool. The fleeces remained in the Cistercians' lofts, but the wines of Germany were not in their cellars, and the broadcloths of Flanders were not in their wardrobes. The exchange of England's great staple commodity for the commodities which other lands produced cheaper and better, was stopped for the unhappy monks. Henry had a device for the punishment of the Londoners, to be obtained by an abuse of his royal prerogative of interference with trade. The fairs of England, in the days when regular commercial communication between producers and consumers was imperfectly established, were of immense importance to the inhabitants of remote districts. They were specially provided for in the charters of large towns; and to these marts came, once a year, or more frequently, traders and customers from all parts. At the fairs, the religious houses laid in their stores of wax for their altars and of malt for their breweries; and the nobles sent their purveyors to look out for brass vessels and pottery, for fine drapery and costly silks. But the fairs were, at the same time, a great source of oppression to the regular traders of the towns, for during their continuance the shops were shut, and all other trade was suspended. Henry, in 1248, resolved to establish a fair at Westminster. The bishop of Winchester derived a large revenue from his fair on Saint Giles' Hill, near that city; for while it lasted, during sixteen days, all other traffic was suspended for seven miles round, and all merchandise coming to the fair paid toll to the bishop.* The example was a tempting one; and so Henry proclaimed, at the feast of Saint Edward, in October, that a fair should be held at Westminster for a fortnight; that all fairs throughout the land should be suspended for that period; and that all traffic in London should be given over for these fourteen days, that the Westminster fair

* See Warton's "History of English Poetry." Vol. ii. p. 115. Park's edition.

might be better supplied with merchandise. The bishop of Ely had his own fair at this season; and he stoutly remonstrated with the king: but to no purpose. And so, on the 13th of October, the day of the Saxon king and Confessor, for whose equal laws the people had been clamouring for two centuries, the king, holding his office under a charter of liberties, stops the traffic of a great city abundantly supplied with all commodities, and compels its merchants to bring their wares to the muddy precincts of the royal palace. The great abbey church was now rising into its present beauty, upon the ruins of the Saxon building. Round the hall of Rufus, by the margin of the river and the fields of the west, was a large encampment; and under tents was exposed the precious merchandise of London, brought thither from the comfortable shops where each craft had its separate station. It was a time of rain and wind. The tents were soaked through; the goods rotted; the shivering traders crouched in the swampy soil; and, says Matthew Paris, "those who were accustomed to sit down to their meals, in the midst of their families by the fireside, knew not how to endure this state of want and discomfort." From his exactions and caprices, there grew up a deadly hatred between the Londoners and their king. The temper of the citizens began to look alarming. So, in 1250, he assembled them and their families in Westminster Hall, and "humbly, and as if with rising tears, entreated that each and all of the citizens would with mouth and heart forgive him for his anger, malevolence, and rancour towards them." His real or pretended contrition was, probably, as damaging to him as the remembrance of his fines, his unpaid loans, and, —worst of all his offences,—his decrees for pulling down the posts and chains of the city, whenever he feared a riot and a barricade. Riots there frequently were between the retainers of the court and the sturdy apprentices of the craftsmen. In the Lent of 1253, the young men of the city were playing at the manly game of the quintain, a contrivance for training horsemen in the use of the lance, by placing a board revolving on a pivot fixed on a high post, of which Stow says,—"I have seen a quintain set upon Cornhill, by the Leaden Hall, where the attendants on the lords of merry disports have run, and made great pastime; for he that hit not the broad end of the quintain was of all men laughed to scorn, and he that hit it full, if he ride not the faster, had a sound blow in his neck with a bag full of sand hung on the other end."* In the

* "Survey of London."

Lent of 1253 came the king's pages and attendants from Westminster to the civic sports; and they insulted the young horsemen, "calling them rustics, and scurvy and soapy wretches," and then entered the lists to oppose them. The Londoners grew furious, and hurled the courtiers from their horses, and sent them back in great grief to the king at Westminster. The city had to pay a thousand marks for the outrage. Certainly these citizens were too much inclined to take the law into their own hands. Queen Eleanor was exceedingly distasteful to them. She was, no doubt, a woman of extraordinary energy, and stimulated her weak husband to many of those violations of the charter which, in his hands, became the most wretched meannesses. The queen had a perpetual quarrel with the citizens about the claim that all vessels navigating the Thames should unlade at Queenhithe, and there pay to her heavy dues. During Henry's absence in Gascony, in 1253, she was Lady Keeper of the Great Seal; and, with that power, vigorously enforced her dues, and committed the two sheriffs to prison for their resistance to the payment of what she termed "queen-gold." She had wounded the citizens in the tenderest place; and thus, in 1264, in passing through London Bridge in her barge, she was assailed with cries of "Drown the witch!" and was pelted with mud and stones. Her son Edward never forgave this outrage upon his mother; and he found the opportunity for a terrible revenge at the battle of Lewes.

In looking at the arbitrary acts of the crown at this period, we see at once how contrary they are to the spirit of the Charter, and we naturally ask if that statute, so often confirmed, was a dead letter. King Henry constantly infringed the liberties of cities and boroughs; he amerced freemen for faults, not according to the measure of their offences, but according to his own rapacity; his constables and bailiffs took corn and chattels from men without present payment; he sold justice, he denied justice, he deferred justice; he frightened merchants from the kingdom by his illegal exactions; he maintained the old evil customs of the forests. These things were direct violations of the Charters. The parliament, for so the great council has begun to be called, is constantly remonstrating. In 1242 it refuses a supply, when the king desires to go to Poitou, with a sum of money to carry on the war against the French. The nobles refuse the subsidy, but scold the king, "with great bitterness of spirit." In this proceeding we trace the English jealousy of the Poitevins, who had excited Henry to this war; and the result of the king's expedition is the total loss of Poitou. In 1243, Henry comes back to an exhausted treasury, which the clergy and the Jews are called upon to refill. In 1244, the pope sets up a rival extortioner to the royal tax-gatherer, in the person of Master Merton, who demands rich gifts, and seizes upon vacant benefices. The king remonstrated with Innocent IV.; the parliament despatched messengers to Rome with remonstrance; but the pope defied the king and his parliament, threatened the kingdom with an interdict, and "although the king was previously prepared to stand up for the freedom of the kingdom and the church," says Matthew Paris, "yet he now yielded, his resolution being broken." In 1248, another parliament rated and threatened the king about his lavishness to foreigners, his abuses of purveyance, his injuries to the church, his appointment of officers who did not seek the advancement of the common weal, but only their own especial benefit. They refused the required supply; and then came new extortions. In 1252, the king adopts a bolder measure. He called a parliament, and produced a mandate of the pope, by virtue of which he demanded the tithes of the church for three years, that he might accomplish his oft-repeated vow of a pilgrimage to Jerusalem. The bishops and the nobles agree in their refusal. In the October of this year he again commands his fair to be held at Westminster; and multitudes travel thither, it being again a rainy season, when the bridges had given way, and the fords were scarcely passable. These crowds of strangers, mingling with the discontented citizens, talked of the wrongs of the people. "During all this time," says Paris, "angry feelings were aroused, and hatred increased against the pope and the king, who favoured and abetted each other in their mutual tyranny; and all, being in ill-humour, called them the disturbers of mankind." In 1253, the aspect of the kingdom is becoming serious. A parliament was held, at which the wish of the king for a grant to enable him to undertake the crusade was again debated; but being conceded, the expenditure was to be "at the discretion of the nobles;" and the king promised, in all good faith, that he would strictly observe the Great Charter, and all its conditions. A remarkable scene then ensued. The archbishop of Canterbury pronounced the sentence of excommunication against "all violators of the liberties of the church, or the ancient and approved customs of the kingdom, and especially the liberties and free customs which are contained in the Charters of the common liberties of England and of the forests." The prelates

and nobles, and all present, except the king, held lighted candles; and at the conclusion of the sentence the candles were thrown down, with the accustomed denunciation. But the king stood up, and said, "So help me God, all these terms I will faithfully observe, as I am a man, a Christian, a knight, and a crowned and anointed king." The king was suspected when he declined to hold the lighted candle which was presented to him. The pilgrimage was never entered upon; and the king, having obtained a part of the grant, lavishes it at Bourdeaux. More parliaments, more promises, and more grants, till 1258, when a crisis has arrived.

The foreign enterprises of Henry were singularly unpopular. They wanted the great essential of popularity, success. They were begun in rashness and ended in timidity. In his quarrels with Louis IX., had he met with an enemy less just and moderate, he would have lost even Guienne, which he was permitted to keep under fealty to France. But the humiliations which followed such ill-judged policies did not teach him prudence. A new scheme of aggrandisement for his family presented itself in another quarter. The king of Sicily had died in a state of excommunication; and the pope, who pretended to the right of giving away the crown, persuaded Henry to accept the empty title for his son Edmund. In 1257 the king came to his parliament, "bringing his son dressed in the Apulian fashion," and thus harangued: "You see, my faithful subjects, my son Edmund, whom the Lord, of his spontaneous favour, has called to the royal dignity. How evidently worthy he is of the favour of all of you, and how cruel would he be who would refuse him effectual aid." He had pledged himself, he said, under the penalty of losing his kingdom, to the payment of a hundred and forty thousand marks. There was the old condition talked of,—the inviolable observance of the Great Charter; and the king obtained the promise of fifty-two thousand marks. The clergy were even more irritated than the nobles; for Henry avowed that the pope, in furtherance of this project for granting the Sicilian kingdom, had conferred upon him the tithes of all benefices in England, and the first fruits of those which should be vacant. The pope had really advanced a large sum which Henry could not repay; and a Roman agent came before the parliament, and followed up his demand for instant payment by a threat of excommunication and general interdict. A remedy was to be sought in what was an approach to revolution. "Who can deny," says Mr. Hallam, "that measures beyond the ordinary course of the constitution were necessary to control so prodigal and injudicious a sovereign?"

In looking at this remarkable display of the falsehood, cowardice, fickleness, and meanness of the ruler of England, for thirty-six years from the period when he possessed the full regal power, we are naturally surprised how Henry held his position amidst the constant resistance of his nobles, the frequent opposition of the prelates, and the dislike of the burgesses and industrious classes of the whole country. From the signing of Magna Charta, the power of the Great Council was becoming stronger; but it was a very inefficient instrument for resisting a king so unscrupulous and so apparently pliant as this Henry. A bolder man would have provoked a more stringent limitation of his authority, or would have crushed those who opposed him. The Council met unfrequently. It produced its catalogue of grievances, and redress was promised. Unworthy officers were removed, but new favourites introduced new profligacy. Then supplies were withheld. The king stormed, or wept, and the aid was given. The prelates were in a difficult position. The king was too cowardly to stand up against the papal avarice, and the bishops scarcely dared to defy the extortions of Rome without damage to the authority of the one Church. Matthew Paris had a clear sense of the position of the clergy in 1252; "Even now a manifest schism was imminent, and an almost universal feeling of exasperation was awakened, if not in the body at least in the heart—which was a more serious evil—against the Church of Rome, and the small spark of devotion remaining was extinguished." More than all this, the burgess class was rising into importance; and the dominant feudal class had, as far as we can judge, long overlooked this large element of the growing social condition of England. When it became too great to be overlooked, it was regarded with doubt and ill-concealed dislike, but it was not less influential. Some change in the system of government arising out of the changes of society, was impending upon England in the middle of the thirteenth century. It must not be forgotten that the great tenants of the crown, the earls and barons, the natural leaders in any strong expression of resistance, or any sweeping measure of reform, had now wholly become English. They might not be English in language or in feeling. The courtiers might still call the citizens "rustics," which implied that the Saxon blood of the cultivators of the land flowed in their veins. The laws might

still be administered in Norman-French. But the tenure of property, which has such an important influence over the whole state of society, was making an undivided nation. In 1244 the king of France declared thus: "As it is impossible that any man living in my kingdom, and having possessions in England, can consistently serve two masters, he must either inseparably attach himself to me, or to the king of England." Those who had possessions in England were therefore called upon to relinquish them, and keep those they had in France; or take their choice, and relinquish those of France, and keep those of England. Henry went further, and ordered that the French in England, especially the Normans, should be dispossessed without a choice. It was an inevitable policy. It was a fortunate result of events that had passed control. The separation made the barons of England patriots; and under their nationality grew up a people, with traditions of individual freedom that had outlived the feudal organisation, and, blending with it, were in time to produce the rare combination of liberty with order.

We have been speaking, at some length, of the pecuniary exactions of the crown and the pope, and we have necessarily used the money terms of the chroniclers of the time. Those terms must, to some extent, be unintelligible to the general reader, because they convey no proper appreciation of the value of money. When the historians say that the Jews were compelled to surrender one-third of their effects to the king, we understand the extent of the tyranny. When they say that a tallage of a thousand marks was levied on the Londoners, we are unable distinctly to appreciate the amount of the burthen upon a populous and wealthy city. The pope thrust numerous foreigners into English benefices, and the famous Robert Grosseteste, the bishop of Lincoln, estimated that their revenues amounted to seventy thousand marks, or three times the clear revenue of the king. We are now dealing with large sums; and with a general notion that there is a vast difference in the value of money now and in the thirteenth century, we rather doubt whether the king had an income sufficient to keep him above the extortions and beggings which the historians impute to him. Dr. Lingard is somewhat of this opinion, and says, that "of all the kings since the conquest, Henry received the least money from the tenants of the crown;" and that, "according to the most accurate calculation, the average amount of his expenditure did not exceed twenty-four thousand marks per annum." A mark was equivalent to two-thirds of a pound, and a pound was as near as can be equivalent to three pounds of our present currency. "The Norman pound was a troy pound-weight of twelve ounces of silver, divided into twenty parts called shillings, and these again divided into twelve parts called either pennies or penny-weights. Thus the money of that period, taking the silver at five shillings per ounce, may be valued at three times the same denomination in the present day."* The mark was therefore equal to two pounds of our present currency. If, upon this simple calculation, we were to turn the twenty-four thousand marks of Henry's yearly revenue into pounds sterling, we should find that it amounted to sixteen thousand pounds of silver, and that those were equal to forty-eight thousand pounds of present money. But, although this was no contemptible income, we must look at this revenue in connection with tables of prices, which, however imperfect, yet afford some materials for comparison with the money-value of modern times. The price of a quartern of wheat was subject to the most awful fluctuations. It was often at a famine price—not the strong phrase of an economist, but a price which, all other grain being equally dear, carried with it a wide-spreading ruin—outrages of humanity, pestilence, and death. But in the reign of Henry III. and Edward I. the average price of wheat was four shillings a quarter. A sheep might be bought for a shilling; an ox for ten shillings. The sheep and the ox were poor starveling animals compared with the produce of modern England. When, therefore, the king imposed an arbitrary tax of a thousand marks upon the city, he demanded two thousand pounds of our present money, or three thousand three hundred and odd quarters of wheat. In 1244 it was ascertained that the papal see, during several years, had drawn from this country an annual revenue of sixty thousand marks, amounting to forty thousand pounds, or a hundred and twenty thousand pounds of our present money. Mr. Hallam considers any given sum under Henry III. and Edward I. as equivalent in general command over commodities to about twenty-four or twenty-five times their nominal value at present." If, therefore, the pope's spoil of the industry of the English people were thus estimated, he would, in the wool, or tin, which he abstracted from this nation, have received what would be now equivalent to a million sterling. We must cease to consider, therefore, that, in a country with imperfect communication, with no machinery for cheap production, and with an almost

* Jacob on the Precious Metals, vol. i., p. 322. This calculation is not quite accurate, but sufficiently so for our present purpose.