

gences. The Sumptours, who were the ministers of the extortions of the ecclesiastical courts, and the Pardoners, who hawked about dispensations for sin, were their especial aversion. The satire of Chaucer was a reflection of the prevailing estimate of the Monk, "full, fat, and in good point;" of the Friar, "a wanton and-a merry;" of the Sumptour, who thought "a man's soul was in his purse;" and of the Pardoner, with his wallet "full of pardon come from Rome all hot." In their sermons, secular priests now freely quoted the holy scriptures, in the common tongue; and they looked forward to the work which their great leader Wycliffe, the honoured professor of theology at Oxford, was preparing—the translation into English of Christ's Testament. His citation for heresy in the last year of Edward III. was the tribute to his importance. In a few years the preaching of Wycliffe and his disciples would go through the land, scattering the corruptions of the Church with a power that for a time seemed likely to shake the whole fabric of society. The age was not ripe for the great Reformation that then seemed impending. But out of Wycliffe's rectory of Lutterworth seeds were to be borne upon the wind, which would abide in the earth till they sprang up into the stately growth of other centuries.

CHAPTER XXXII.

Constitutional principles developed in the reign of Richard II.—Coronation of Richard.—Council of Regency.—Wars with France and Scotland.—Capitation Tax.—Poll Tax.—Insurrection of 1381.—The insurgents in London.—Suppression of the insurrection.—Wycliffe's opinions coincident with the insurrection.—Preachers of heresy.—Translation of the Bible into English.—Contest with the Pope.—English literature and language.—Statutes of Wages.—Labourers in husbandry.—Games.—Sanitary Laws.—State interference in social affairs.

RYMER, our laborious historiographer, describes the reign of Richard II. as "a reign which affords but little matter that may shine in history, and cannot boast of any one great and distinguished captain, any one memorable battle, nor one important siege; no proceeding to St. Paul's, no Te Deum for victory."* To us, who regard battles, and sieges, and processions, and Te Deums, as less important matter for history than the progress of the people, the reign of Richard II. is one of the most interesting in our annals. In this reign, the great constitutional principles of our government were most strikingly exhibited in their practical efficiency. In this reign the power of the Commons was more signally displayed than at any previous period, in demanding administrative reform as the condition of voting supplies; in the impeachment of those who were considered as the evil advisers of the crown; and in strenuously insisting that the public liberties, secured by statutes and charters, should not be infringed upon by a king who had manifest tendencies towards despotism. At one period, this despotism was nearly successful. For two years Richard was an uncontrolled tyrant. By what was unquestionably a national act, however accompanied by treachery and violence, the despot was deposed. In this deposition, all the forms which might appear to belong to a more advanced state of society were most carefully observed. The king, who neglected the duties of his station, and aimed at arbitrary power, was treated as a public delinquent; and the general good was set forth as the ultimate end of all government. But this reign is also remarkable for the great

* Dedication to Queen Anne of vol. vii. of the *Fœdera*

insurrection of the humblest classes of society against the remnant of feudal oppressions; and although the revolt was suppressed, and happily so, from that time the condition of the serf underwent a real mitigation; and as serfdom gradually became altogether extinct, the free labourer, although subject to much injustice, gradually acquired some of the rights of an independent citizen. In the revolution of 1399, which placed Henry IV. upon the throne, we no longer see the violent act of a factious nobility, united as a caste, but the result of a general agreement of various orders of society, having a common interest in the maintenance of freedom. In that revolution, and in many other occurrences of this reign, we may trace the influence of a public opinion, emanating from men of different degrees, accustomed to manage their own affairs, and now more awakened than ever to think upon the relations in which the governed stood to the governing. How far the agitation of great religious questions impelled the political and social movements of the end of the fourteenth century, is also an interesting matter of consideration. But we cannot look back from this period to that of the Norman conquest, and still farther back to the Anglo-Saxon times, without being impressed with the constant operation of the law of progress—that law by which great changes of society are steadily effected, as the minds of men become more and more capable of receiving them. Long before the feudal system had entirely passed away, the ancient constitution was again and again modified by those principles which, without historical research, look like new elements of society. It was this gradual introduction of the popular element which saved England from the despotism which, in other countries, grew out of the institutions of the Middle Ages. One of the ablest reasoners of our time has said of the period of which we are now treating, “a multitude of analogies may be traced between the political institutions of France and England, but then the destinies of the two nations separated, and constantly became more unlike as time advanced.”* To use the words of the same writer, it was given to the English “gradually to modify the spirit of their ancient institutions without destroying them.” The French lost the great principle of freedom when, at the same time as that in which the Commons of England would permit no tax to be levied without the consent of the people, the nobility of France suffered the

* Alexis de Tocqueville, “On the state of society in France before the Revolution of 1789,” translated by Henry Reeve, 1856, p. 181.

crown to impose taxes at its will, provided they themselves were exempt. “At that very time,” says M. de Tocqueville, “was sown the seed of almost all the vices, and almost all the abuses, which afflicted the ancient society of France during the remainder of its existence, and ended by causing its violent dissolution.”* *his shadow*

Edward III. was within a few hours of his last mortal agony, when a deputation of the citizens of London came to his grandson, Richard, and offering their support of his right to the crown, invited him to take up his residence in the Tower. The prince was then in his eleventh year. The same day, June 21, Edward died. On the 22nd, the boy king made his triumphal entry into London, amidst pageants and devices in every street, and conduits running with wine. The obsequies of his grandfather having been performed, Richard, on the 16th of July, was crowned at Westminster. The ceremonial was one of unusual magnificence; and the beautiful son of the idol of the people, receiving the homage of his uncles and the barons, and at the subsequent banquet creating earls and knights, may, in that solemnity, have been impregnated with those impressions of his own irresponsible greatness which appear to have clung to him through life. Some of the circumstances attending the accession of Richard may be attributed to the apprehensions that were entertained of the ambitious designs of his uncle, John of Gaunt, the duke of Lancaster. The haste of the citizens of London to proffer their lives and fortunes, and the exaggeration with which the young king was gravely spoken of by great officers in church and state as a miracle of wisdom, were evidently calculated to reconcile the people to this shadow of a sovereign. The duke of Lancaster probably expected to be sole regent; but a temporary council was appointed, in which he took no part. A parliament met in October, when, at the request of the Commons, the Lords, in the king's name, appointed nine persons to be a permanent council of the king; and it was resolved that, during the king's minority, the appointment of all the chief officers of the crown should be with the parliament. There was ill-concealed jealousy of Lancaster; and a speech which he made, demanding the punishment of those who spoke of him as a traitor, is upon the Rolls of Parliament. It was a serious time, when men's minds were excited by impending danger. The truce with France had recently expired: and not an hour was lost by Charles V. to renew hostilities in the way most offensive to the English. Com-

* De Tocqueville, p. 182.

merce was interrupted; the sea-ports were burnt and ravaged; the Isle of Wight was plundered. To meet the expenses of a foreign armament, and of naval and land forces to protect the kingdom, a subsidy was granted. But two citizens of London, William Walworth and John Philpot, were sworn in parliament to be treasurers of the same, and strictly to apply the produce of the taxes to the support of the war. In this and immediately succeeding parliaments, the state of the nation was declared to be alarming. The wars of Edward III. had produced no permanent advantage; but had engendered a spirit of revenge which threatened the safety of England. There were enemies all around. France was active in her hostilities, in concert with Spain. The Scots, in 1378, burnt Roxburgh and captured Berwick. The great border-fortress was soon retaken, and a small gain was obtained by the cession of Cherbourg and Brest. But the duke of Lancaster was unsuccessful in an attack upon St. Malo, to whose relief the vigilant Du Guesclin came with a large army, and compelled the duke to retire to his ships. All the foreign enterprises of the English were futile and disastrous; and their cost produced general discontent. In addition to heavy duties on wool and leather, a capitation tax was granted in 1379. In principle this was an income tax, touching every person, from the duke, who was assessed at *6l. 13s. 4d.*, to the labourer, who was called upon to pay *4d.* for himself and his wife. The poll-tax of the next year was mainly granted for the support of a fruitless expedition to assist De Montfort, the duke of Brittany, against France. The earl of Buckingham, who had the command of this expedition, returned home with his army in great discontent; for De Montfort had concluded a pacific treaty with the French king. The expedition had no results. Its charges were very fatal. The poll-tax was essentially different from the direct tax of 1379. It was a tax of "three groats of every person of the kingdom, male or female, of the age of fifteen, of what state and condition soever, except beggars; the sufficient people in every town to contribute to the assistance of the less able, so as none paid above sixty groats, including himself and his wife."* How far the "sufficient people" contributed to the assistance of "the less able," may be inferred from the fact that very speedily "the less able" were in a state of insurrection. The pressure of the tax upon the humblest portion of the community, and the brutal manner in which it was enforced by the king's col-

* Parliamentary History, vol. i. p. 162.

lector at Dartford, were the main causes, according to the chroniclers, of the revolt headed by Wat the Tyler. The tax was indeed as the match to the mine. The explosive materials had long been accumulating.

In the statutes of the first Parliament of Richard II., we have the earliest direct indications that the system of villanage was tottering to its fall. Complaint is made by lords and commons and men of Holy Church that in many seignories and parts of the realm, the villans and land-tenants in villanage, who owe services and customs to their lords, do day by day withdraw such services and customs; and by colour of certain exemplifications made out of the book of Domesday of the manors and towns where they have been dwelling, and their evil interpretations of the same, affirm themselves to be utterly discharged of all manner of serfage, due as well of their body as of their said tenures. The Act goes on to point out the riotous assemblies and confederacies incited by counsellors and abettors, wherein it was agreed that every one should aid the other to resist their lords with strong hand. Such proceedings are to be put down by Special Commissions. We learn by this statute that it was not only the villans who resisted their lords in claiming "the franchise of their bodies," but the land-tenants, who sought "to change the position of their tenure and customs of old time due." There was an agitation of the social state which extended even further than the serfs and tenants in villanage. In the same parliament a statute was passed against "liveries;" by which we learn that "divers people of small revenue of land, rent, or other possessions, do make great retinue of people as well of esquires as of other, in many parts of the realm, giving to them hats and other liveries, of one suit by year, taking of them the value of the same livery, or perchance the double value, by such covenant and assurance that every one of them shall maintain the other in all quarrels." The "divers people of small revenue" were banding themselves together against the oppressions of the great proprietors. Serfs, petty tenants in villanage, freemen of small revenue, were all discovering that—as the country grew in wealth, as comforts were more diffused, as the citizens and burghers were for the most part free from feudal exactions, as even the serf who had lived a certain time in an incorporated town became free,—the cultivators, whether yeomen, or tenants, or labourers, had rights to maintain, and those who in rank and possessions were greatly above them had duties to discharge.

We must especially notice the circumstance that those who claimed manumission relied upon their interpretation of the Domesday Record—which, to a great extent, had reference to the times of Edward the Confessor. They would go back to the Anglo-Saxon days to set aside the more extensive and more burdensome feudalities of the days since the Conquest. It was a demonstration of that national principle which has ever sought to build civil rights upon ancient foundations.

The insurrection of 1381, like most other attempts to obtain political justice by a tumultuous appeal to arms, was set on foot for the assertion of moderate demands, and became an occasion for havoc and bloodshed. The insurrection, however prepared by the confederacies for manumission, broke out in Kent through that manslaughter of the royal tax-collector by Wat the Tyler, which was the consequence of an outrageous insult, by the collector, on Tyler's daughter. The whole rural population of that district, in which the Saxon principle of personal independence had been cherished from generation to generation, flew to arms. The statistics, upon which the amount of taxes to be collected were founded, had always gone upon false estimates of the population. It could not be otherwise at a period when there was no system of registration. The collection of the poll-tax fell short of the required supply; and commissions were appointed to overlook the collectors, and rigidly enforce the levy. Men of Essex refused to answer the inquiries of the commissioners, and murdered officers of the commission. The same spirit of revolt existed in Suffolk and Norfolk. At Gravesend, a burgher had been claimed by his lord as a bondman, and was sent as a prisoner to Rochester Castle. The insurgents took the castle and liberated the burgher. But the great resistance to authority was under the leadership of Wat the Tyler, who associated with himself an itinerant preacher, John Ball, who, fourteen years before, had been excommunicated for preaching "errors, and schisms, and scandals against the pope, the archbishops, bishops, and clergy." To him is attributed the famous couplet—

"When Adam delved and Eve span,
Who was then the gentleman?"

Another priest, who assumed the name of Jack Straw, was connected with the insurgents of Essex. Gathering large numbers of adherents from various parts, a vast body at length reached Blackheath. Some of the band had compelled the mayor and aldermen

of Canterbury to swear fidelity to their cause, and many of the citizens had joined them in their march towards London. This was no sudden tumult of an isolated body of men, for the revolt extended from the coast of Kent to the Humber, and was organised in a remarkable manner by correspondence in letters which bore the signatures of Jack Milner, Jack Carter, Jack Trueman, and John Ball. The course of the insurgents was marked by the accented atrocities of ignorant men with weapons in their hands. It was not very likely, in an age when regular warfare was conducted without the slightest regard to the rights of humanity, that these rustics would exhibit the virtue of mercy which the lords of chivalry never cultivated. But in their destruction of property they would allow of no plunder for individual gain. As this rude army of a hundred thousand men approached London, there was, necessarily, universal consternation. The king, with members of his council, were in the Tower. The conduct of the royal youth was bold and energetic. He had left Windsor to meet the danger. On the 12th of June he descended the river in his barge. He was met with shouts and cries by the insurgents on the Rotherhithe bank, and his attendants would not permit him to land. That night, Southwark and Lambeth witnessed the demolition of the houses of the Marshalsea and of the King's Bench, and the sack of the palace of the archbishop of Canterbury. Out of Southwark they passed over London Bridge into the city on the following morning. They demolished Newgate, and burnt the duke of Lancaster's palace of the Savoy, and also the Temple. With the usual prejudice against foreigners, they butchered the Flemish artisans, wherever they were found. During this fearful day the king remained in the Tower. On the 14th of June, when Tower-hill was filled with this multitude, a herald made proclamation that the king would meet them at Mile-end. They moved off; and young Richard rode out of the Tower gates with a few followers, who were unarmed. He received the petition which the insurgents had drawn up. They demanded the abolition of slavery; the reduction of the rent of land to fourpence an acre; free liberty to buy and sell in all markets and fairs; and a general pardon for offences. Looking at the moderation of these demands it is difficult to believe that the objects of the insurrection were the destruction of all distinctions of rank, and the division of all property. Slavery was an unnatural condition, the more onerous where it existed at a time when it was gradually passing away, and which

could not be long upheld by force. To limit the rent of land to fourpence an acre—a rate not much, if anything, below the average rental—was not more absurd than laws to limit the rate of wages and fix the price of provisions. To claim a liberty to buy and sell in all markets and fairs, was to assert a freedom of commercial intercourse which was greatly impeded by the charters of towns, and by the tolls which the lay and ecclesiastical lords exacted in every city and borough. These demands were agreed to by the king. The remaining hours of the day and the succeeding night were employed by many clerks in drawing up charters to the effect of the petition, for every parish and township. They were sealed the next morning; and the great body, chiefly the men of Essex and Hertfordshire, retired, bearing the king's banner. But the Kentish Tyler remained in arms, with a body of the insurgents. He led his men into the Tower. They murdered the archbishop and other dignified persons, and drove the king's mother out of her lodgings. On the 17th, the king rode into Smithfield. The leader of the Kentish men, who had become insolent and ferocious in the hour of success, refused the charters which were offered to him. When he saw the king coming he halted his followers, and rode up to meet the youth, whose noble bearing would unquestionably have commanded the respect of Englishmen, and turned the tide of favour against the rebel. During their parley, Tyler put his hand upon his dagger, and touched the king's bridle. Walworth, the Lord Mayor of London, immediately stabbed him. The insurgents, when they saw their leader fall, bent their bows; but Richard, with the heroism of his race, galloped up to the astonished band, and exclaimed, "Tyler was a traitor—I will be your leader." They followed him to the fields of Islington, where a considerable force of citizens and others hastened to protect their king. There the insurgents fell on their knees and implored his mercy. Richard commanded them to return to their homes; but would allow no attack to be made upon them by the forces which were gathering around him. In the eastern counties the insurrection was put down by Henry Spenser, known as the fighting bishop of Norwich. In a fortnight the charters were revoked by the king, and then followed, in every county, trials and executions to an enormous extent.

That the insurrection of 1381 was, in many districts, put down by means as violent and illegal as the outbreak, may be judged by the fact of a statute of indemnity being passed in parliament, for those who "made divers punishments upon the said villans and

other traitors without due process of the law, and otherwise than the laws and usages of the realm required, although they did it of no malice prepensed, but only to appease and cease the apparent mischief." In the same statute all compulsory manumissions and releases were declared void. The parliament had been informed by the king that he had revoked all the charters of emancipation which he had been compelled to grant; but he submitted whether it would not be expedient to abolish the state of slavery altogether. That Richard was in this honestly advised, by counsellors who were far-seeing statesmen, we may well believe. With one accord the interested lords of the soil replied that they never would consent to be deprived of the services of their bondmen. But they complained of grievances less inherent in the structure of society—of purveyance; of the rapacity of law officers; of maintainers of suits, who violated right and law as if they were kings in the country; of excessive and useless taxation. These were evils which touched themselves. Slavery was an evil which to them was profitable, as they believed. We need not think too harshly of men to whom injustice had been familiarised by long ancestral usage.

In all the insurrectionary proceedings which so clearly indicated a condition of society in which those lowest in the social scale met with little consideration and no immediate redress, we cannot perceive, what has been maintained with a confidence very disproportioned to the evidence—that the "theory of property" expounded by Wycliffe, was a main cause of this anarchy—that "the new teaching received a practical comment in 1381, in the invasion of London by Wat, the Tyler of Dartford, and a hundred thousand men, who were to level all ranks, put down the church, and establish universal liberty."* This unqualified statement is founded upon the very doubtful narrative of the chronicler Walsingham, as interpreted by Dr. Lingard. That historian says, "They (the villans) were encouraged by the diffusion of the doctrines of Wycliffe, that the right of property was founded in grace, and that no man, who was by sin a traitor to his God, could be entitled to the services of others."† Mr. Froude holds that "the theory, as an abstraction, applied equally to the laity as the clergy." Men like the rustics of Kent and Essex are not prone to act upon abstractions. Wycliffe taught, as others have taught after him, that "the clergy had no right to their tithes and temporal endowments

* "History of England, by James Anthony Froude, M.A.," vol. ii. p. 19.

† Lingard, vol. iv. p. 236.

except so far as they discharged faithfully their spiritual duties." * The reformer considered the clergy as holding property as a direct recompense for service, the property being forfeit if the service were unperformed. A richly endowed church would necessarily take another view of the question, and denounce such doctrine as heretical. The experience of modern times has shown that it was not politic. Wycliffe's paramount grievance was the arrogance and the unchristian character of many who called themselves Vicars of Christ. To denationalise the clergy, by making them stipendiaries, was at that period to throw them completely under the influence of the papacy. Their landed possessions offered the best security for their patriotism and their civil obedience. But that Wycliffe's theory, so distinctly limited to ecclesiastical affairs, should have suggested the notion,—if the insurgents of 1381 ever did entertain such a notion,—that all property should be in common, appears to us reconcilable with the ordinary course of human action. It is irreconcilable with their demand of a maximum for rent. The assumed connexion of "the new doctrine" with the insurrection may be attributed to the hostility with which the Lollard opinions were assailed by the misrepresentations of the apprehensive ecclesiastics and their historians. The agitation of Wycliffe and his followers was coincident with the insurrection of the villans, but it was not of necessity a cause. Agitation of any kind begets other agitation. But this was not the direct effect which some impute to the dissemination of Wycliffe's tenets.

Within a few months after the accession of Richard II, the rector of Lutterworth, in consequence of letters from the pope, was summoned before the archbishop of Canterbury and the bishop of London, to answer for his opinions. He defended his doctrines, and was dismissed, with a direction to be cautious for the future. After the insurrection of 1381 had been quelled, a synod of divines was called, in which many of Wycliffe's opinions were censured as heretical, erroneous, and of dangerous tendency. To follow up their triumph, the prelates procured an Act to be passed by the Lords to the following effect:—That divers evil persons, under the dissimulation of great holiness, go about from county to county, and from town to town, "without the license of our holy father, the pope, or of the ordinaries of the places, or other sufficient authority, preaching daily, not only in churches and churchyards, but also in

* See "An Apology for Lollard Doctrines, attributed to Wycliffe," Edited by J. H. Todd, D.D. Introduction, p. xxiv.

markets, fairs, and other open places." The sermons so preached, it is alleged, have been proved before the archbishop of Canterbury and the bishops and prelates, and a great part of the clergy, to contain heresies and notorious errors. Further it is said, "which persons do also preach divers matters of slander, to engender discord and dissension betwixt divers estates of the said realm, as well spiritual as temporal, in exciting of the people, to the great peril of all the realm." The Act then directs the sheriffs to hold such preachers and their abettors "in arrest and strong prison, till they will justify themselves according to the law and reason of holy church." This victory over the "poor preachers" was very short-lived. Wycliffe petitioned against the Act. The Commons represented that it had been passed without their consent. It was immediately repealed; and we hear nothing more in the legislative records about preachers of heresies, till, eighteen years afterwards, a law was passed to burn them. To us it appears manifest that, in repealing this Act, the parliament asserted its conviction that the heresies, the notorious errors, the matters of slander, which were preached in open places, had solely reference to the alleged corruptions of the Church, and that to subject the kingdom to the jurisdiction of the prelates, as the Act proposed, was to surrender the civil freedom which their ancestors had maintained. The men who refused to assent to the proposal of the king that slavery should be abolished, would have been ready enough to sanction the imprisonment of the preachers of universal equality, if such had been their doctrine. Undoubtedly Wycliffe himself did not hesitate to maintain that the revenues of the Church, applied, not to the service of the altar by its diligent ministers, but to the upholding the excessive pride and luxury of prelates and abbots and other "possessioners," were superfluous, and were truly the patrimony of the poor. Wycliffe is also reported to have said, although he attempted to explain his meaning away, that "charters of perpetual inheritance were impossible." In contending that the preachers of the Gospel were bound to lead a life of self-denial, like that of their Great Master, he naturally provoked a fiercer indignation than was excited by his more abstract doctrines regarding the Eucharist and the sacrament of matrimony. He was at last compelled to submit himself to the judgment of his ordinary, and he withdrew to his rectory. But he had accomplished a work which no ecclesiastical censure could set aside. He had translated the Scriptures into the English language. Whenever he and his disciples were assailed

by the higher ecclesiastics, he had appealed to the Bible. His translation of the Bible was now multiplied by the incessant labour of transcribers. The texts of the Bible were in every mouth, as they were re-echoed in the sermons of his preachers, in churches and open places. The poor treasured up the words of comfort for all earthly afflictions. The rich and great meditated upon the inspired sentences which so clearly pointed out a more certain road to salvation than could be found through indulgences and pilgrimages. During the remaining years of the fourteenth century, the principles of the Lollards took the deepest root in the land. Wycliffe died in 1384, but his preaching never died. His Bible was proscribed; his votaries were imprisoned and burned. But the sacred flame was never extinguished. The first English reformer appeared in an age when civil freedom asserted itself with a strength which was never afterwards subdued or materially weakened. He fought a brave fight for religious freedom, with very unequal forces against a most powerful hierarchy. But such contests are not terminated in a few years. The reforms which in the eternal laws are willed to be permanent are essentially of slow growth. When the "poor preachers" had slept for a century and a half their day of triumph was at hand.

The period during which Wycliffe promulgated his doctrines, and his followers continued to teach them without encountering any extreme penalties of the law, was eminently favourable to a successful attack upon the ecclesiastical system, through the general spirit of disaffection to its head. In the reign of Edward III., there had been a legislative resistance to the claim of the pope to appoint to benefices in England. In the third year of Richard II., 1379-80, it was declared by parliament that the statutes in this regard were not effectual; and that "benefices have been given, against the will of the founders, to divers people of another language, and of strange lands and nations, and sometimes to the utter enemies of the king and of his realm." Such persons, it was alleged, never made residence, nor were able to hear confession, to preach, and to teach the people. It was therefore provided that none should farm benefices for such aliens, nor remit them money, or merchandise, or letters of exchange, without license of the king. But in a few years the court of Rome came to an open rupture with England upon this question. In 1389-90, a statute was passed, declaring that if any one brought into the realm any summons, sentence, or excommunication arising out of the statute of 1379-80,

he should be punished with pain of life, and forfeiture of goods. Pope Boniface was obstinate. He appointed an Italian cardinal to a prebendal stall at Wells, to which the king had previously presented. A suit was instituted in England, in which judgment was given for the king. The bishops had supported the decision of the king's court, and had executed judgment accordingly. The pope, in consequence, excommunicated the bishops. Then the Commons of England said, in that voice which has made foreign tyranny, ecclesiastical or civil, tremble from that hour to this, "The said things so attempted be clearly against the king's crown and his regality, used and approved of the time of all his progenitors; wherefore they and all the liege commons of the same realm will stand with our said lord the king, and his said crown, and his regality, in the cases aforesaid, and in all other cases attempted against him, his crown and his regality, in all points, to live and to die." The Commons desired the king to seek the opinion of the Lords. The Lords temporal declared that they would support the crown. The Lords spiritual said, being separately examined, that they could not deny or affirm that the pope might not excommunicate bishops nor translate prelates; but that in the cases before them they would be with the king, "loialment en sustenance de sa corone,"—loyally upholding his crown,—and in all other cases touching his crown and his regality, as they were bound by their allegiance. An Act was passed that all persons suing at Rome, and obtaining instruments against the king, and all who brought them within the realm, should be put out of the king's protection, and all their lands and goods forfeited. The defiant attitude of England triumphed over this attempt at papal usurpation. But if we consider how the whole ecclesiastical system was intertwined with the authority of Rome, we may judge how favourable was the season for earnest men to assail every abuse in the Church. It has been said that, of this generation, one-third of the English people became Lollards, as the followers of Wycliffe were now termed. The ecclesiastical hierarchy held them as the tares (*lolium*) amongst the wheat. In the next generation the futile process commenced of attempting to weed out the tares. The gradual reforms by which the ancient State of England was preserved and invigorated were resisted by those who had directed the fortunes of her ancient Church. In the fulness of time it fell—a warning to those who dwell in the edifice re-constructed out of its materials, precious even in their occasional incongruity.

The age in which "the poor preachers" disseminated their opinions was an age in which knowledge began to spread, and literature was to some extent cultivated. The abstract doctrines of the Lollards had been enforced by the satires of "Piers Ploughman,"—full not only of sarcasm and invective, but of real poetry. Chaucer had arisen with his various knowledge, his familiarity with courtly and with common life, his acquaintance with the writings of Dante and Petrarch and the Italian fablers. He gave to his native English a copiousness and elegance which it had not previously possessed. He cast aside the use of Latin, which limited literature to the few. He brought his translations and adaptations within the reach of the many. From Boccaccio he borrowed his Knight's Tale, "as olde stories tellin us." To this romance he added vigorous descriptions and graceful fictions, which are wanting in his model. He invented the English heroic couplet—the fruitful parent of a noble poetical progeny. His "Romaunt of the Rose" is of French origin. His "Troilus and Cresseide," as he tells us, is from "myne auctor Lollius," an Italian of Urbino. His poems contain frequent allusions to the great Latin writers. "The House of Fame" has not been traced to a distinct origin. "The Canterbury Tales," with their Arabian fiction and philosophy—their reflections of mediæval splendour, and of mediæval injustice as exhibited in the Clerk of Oxenford's Tale, which, written by Boccaccio, he learned from Petrarch at Padua—their wonderful pictures of English life, so thoroughly founded upon his own genius and powers of observation—would appear miraculous performances if we were to fall into the common notion that the end of the fourteenth century was an age of ignorance. Ignorance, very gross, no doubt, there was; but the national mind was awake, or such works could never have been produced. They were meant to be popular—and they were popular. Limited in their circulation by the necessary expense of their multiplication in manuscript, they found their way to the noble's privy-chamber, the franklin's fireside, and the student's cell. Most men, with any pretensions to knowledge, had some acquaintance with the novelties of literature and the current European fables. In the inventory under the will of a clerk of Bury, in 1370, we find his service-book, a law book, a book of statutes, and a book of romances.* The passion for fiction existed before printing multiplied the possession of works of amusement. The French romances were the courtly reading, before Chaucer

* Wills from the Registers of Bury: Camden Society.

and Gower came with their more attractive English. Gower, "the moral Gower," was far inferior in genius to Chaucer. In him that great attribute of genius, humour, was wholly wanting. His "Confessio Amantis," full indeed of affectations, the pedantry of love, contains many interesting narratives and wise disquisitions. The early writers of fiction, without the creative power which has made Chaucer universal and enduring, used their stories as the vehicle for imparting the most recondite knowledge—and Gower was of this class. But in him we may trace the large range of inquiry that belonged to his time, destitute of scientific exactness, but leading into wide regions of speculation. The demand for poetry and fiction is strikingly exemplified by an incident connected with Gower's "Confessio Amantis." Richard, the luxurious king, is in his barge on the Thames. He sees the poet in a boat, and inviting him to come on board, desires him to "book some new thing." When Froissart came to England, in 1394, he brought a French romance to Richard, which he laid ready on the king's bed. "When the king opened it, it pleased him well, for it was fair enlumined and written. * * * Then the king demanded me whereof it treated and I shewed him how it treated matters of love; whereof the king was glad, and looked in it, and read it in many places, for he could speak and read French very well." Froissart's commendation of the king's French shows that English was now commonly read and spoken; and that Chaucer and Gower had adapted themselves to that change which has carried our tongue to the ends of the earth. Upon Wycliffe's Bible our present translation is mainly founded. Sir John Mandeville, in 1356, wrote in English his Travels, so full of apocryphal marvels. Trevisa translated the "Polychronicon" of Higden in 1385. From him we learn that at the time he wrote, gentlemen had "much left off to have their children taught French." The change had been gradually coming, for John Cornwall, a schoolmaster, in 1356 made his boys translate Latin into English. By the end of the fourteenth century we were a nation, in language as well as in heart.

But there was yet much to do before that expressive word "nation" could be said to comprehend the whole people. It could not embrace all ranks while any portion remained in bondage. That the serfs were making efforts to procure that enfranchisement which their king desired for them, and which their lords denied, may be collected from an act of parliament of the ninth year of Richard, 1385. The statute says that "divers villans and

neifs, as well of great lords as of other people, spiritual and temporal, do flee unto cities, towns, and places enfranchised, as the city of London, and feign divers suits against their lords, to the intent to make them free by answer of their lords." The villans, we thus see, were becoming free before the law. There was a time when their condition of bondage would have closed the ears of justice against any complaint from them against their lords. The law now listens to their complaints, and their lords must answer. But a special statute is necessary to limit this exercise of the right of freemen. "It is accorded and asserted that the lords, nor other, shall not be forebarred of their villans, because of their answer in the law." The influence of religion, and the progress of equal justice, are steadily working together for the manumission of the serfs. Their great stronghold of freedom is to be found in the enfranchised cities and towns. The cultivators, whether tenants or labourers, provide for their children an escape from oppression by apprenticing them to handicrafts. The continuance of bondage, loose as the bonds are becoming, deprives the soil of its necessary labour. The land capitalists are forcing labour into other channels. Then step in the statute-makers, and enact, in 1388, "that he or she, which use to labour at the plough and cart, or other labour or service of husbandry, till they be of the age of twelve years, from henceforth shall abide at the same labour, without being put to any mystery or handicraft, and if any covenant or bond of apprentice be from henceforth made to the contrary, the same shall be holden for none." Another enactment of the same parliament is to the effect that artificers and men of craft, servants and apprentices, shall be compelled to serve in harvest, to cut, gather, and bring in the corn. The labourers in husbandry are not sufficient for the demand. The expedient of the former reign of confining the rural population to one place is again resorted to. Male and female serfants and labourers are not to depart at the end of their term, to go to another place, without letters testimonial under the king's seal, entrusted for that purpose to some good man of the hundred, rape, wapentake, city, or borough: wandering without such letters, they are to be put in the stocks. In the same year, 1388, we have a glimpse of a poor-law, in the description of "beggars impotent to serve." These are to abide in the cities or towns where they dwell; but if the people of these cities or towns "may not suffice to find them,"—are not able to support them,—they may go to other towns within the hundred, rape, or wapentake, or to the place where they were

born, and there constantly abide. Such enactments are symptoms of a transition state of society. The word "villan" is now generally giving place to the word "servant." The law now provides for the martial array and sports of every servant of husbandry, labourer, or servant of artificer. They are to bear no buckler, sword, nor dagger, except in the time of war for defence of the realm; but they shall have bows and arrows, and use them on Sundays and holidays, leaving all idle games of tennis, football, quoits, skittles, dice, and casting of the stone. It was unwise, and no doubt it was useless, to attempt thus to cultivate the use of the great national weapon by a limitation of the games that made every village-green resonant with mirth and manly contention. The dice would be secretly used in the winter evenings, and the draught-board attract customers to the victualler's settle. The principle of interference in social affairs has, from the days of the Plantagenets to the days of the Stuarts—and indeed much later—been the crying evil of our legislation. The regulation of the rate of wages went on from the time of the pestilence in the reign of Edward III.; but it was now found out that "a man cannot put the price of corn and other victuals in certain;" and it was therefore enacted that the justices of peace in every county shall make proclamation, by their discretion, according to the dearth of victuals, how much every craftsman and labourer should take as wages, according to his degree. We now understand the impossible things which were attempted by these ancient legislators, and how they carried on an unequal strife against the laws of nature. The principle of their legislation,—that of prescribing by authority what the social instincts would accomplish far more effectually,—is not yet worn out. In some of their enactments, however, they exhibited a wisdom which their successors might have done well to imitate. Whoever knew the sanitary condition of London generally and of other great towns at the beginning of this century, and partially within the last twenty years,—whoever penetrates the obscure places of many towns, at the present hour,—will marvel that a law of 1388 should have fallen into disuse at the end of four centuries and a half: "For that so much dung and filth of the garbage and entrails as well of beasts killed, as of other corruptions, be cast and put in ditches, rivers, and other waters, and also within many other places, within, about, and nigh unto divers cities, boroughs, and towns of the realm, and the suburbs of them, that the air there is greatly corrupt and infect, and many maladies and other intolerable diseases do

daily happen"—it is enacted that proclamation be made through the realm that all they which cast and lay such annoyances shall immediately remove them, upon pain to forfeit to the king twenty pounds. To the mayors and bailiffs was entrusted the execution of this Act; and in their default the Court of Chancery was open to any complainant.

In looking at the old arrangements of society, most persons, naturally enough, consider those only valuable which have some general agreement with the principles of our modern life. Those which are in direct opposition to the system of independent action in the common transactions between man and man, are, in the same way, regarded as useless or injurious. That wages should be regulated by statute or proclamation of justices,—that the prices of articles of necessity should be also so regulated, that sumptuary laws should determine the diet and apparel of all classes,—that not a piece of cloth or a hide of leather should be sold without the mark of the searchers,—that no money should be carried out of the country, whatever quantity of goods came in,—all these official interventions appear to us in the highest degree absurd and tyrannical, when we regard them from the economical point of view. But we are really not in a position absolutely to judge of the imagined necessity which called them forth. We cannot sufficiently place ourselves in the midst of the decaying feudal institutions, and say that such laws, the scaffoldings of a new social edifice, were wholly unnecessary. But we can say that all such expedients are entirely unsuited to modern times; and that, whatever be the insufficient working of the natural law of labour and capital,—whatever the power of traders to elevate prices, or deteriorate quality,—whatever the evils of extravagance in diet or apparel,—no state laws can give the people higher wages, or cheaper food, or more frugal manners, as these old regulations of society attempted to do. Political philosophy, after the experience of five centuries, has discovered that the great duty of the state is to permit the laws of demand and supply to pursue their natural course; and to leave individual follies, which are not positive wrongs, public or private, to their own certain penalties. But there is an exceptional school, which, seeing a large amount of suffering and crime in existing society, appears somewhat too much enamoured of the ancient principle of perpetual interference, acting under the system by which "the discipline of an army was transferred to the details of social life."*

* Froude, "History of England," vol. i. p. 13.

It is held that, under this discipline, "in the distribution of the produce of land men dealt fairly and justly with each other; and in the material condition of the bulk of the people there is a fair evidence that the system worked efficiently and well."* To determine the state of the producing classes, a comparison is entered into of the rate of wages with the price of food; and it is held that in the old time, a labourer with a penny could buy more bread, beef, beer, and wine, than the labourer of the nineteenth century can do for a shilling. Be it so. But what shall we say of the system, when we regard the excessive fluctuations of price?—the result of the complacency with which "statesmen did not care for the accumulation of capital." "They desired," says the encomiast of the past, "to see the physical well-being of all classes of the commonwealth maintained at the highest degree which the producing power of the country admitted; and population and production remaining stationary, they were enabled to do it."† The producing power of the country was so variable that, in 1387, wheat at Leicester was sold at two shillings a quarter—in 1390, at sixteen shillings and eightpence.‡ Where, with this imperfect and irregular production, was the stationary population? Dying of famine, to maintain the due proportion between population and production. The whole theory of "population and production remaining stationary" is a paradox, utterly opposed to any condition of society which could by possibility exist after the abolition of slavery. The instant at which the lords of the soil could no longer control the amount of the population upon their own demesnes—the instant that the system of free labour superseded serfage—the instant that the towns were ready to absorb the superabundant population of the country, and to increase their own population with no restraint but the ordinary laws by which the number of mouths to eat is proportioned to the amount of profitable labour to be performed—that instant there was an end of any possible power to keep population and production stationary. If, as the historian we have quoted believes, the population in the middle of the sixteenth century was five millions, the evidence is equally clear that it did not exceed two millions and a half at the end of the fourteenth century. The data for calculating the population at either period are exceedingly uncertain. Less than a million and a half were assessed to the poll-tax of Richard II., but which number did not include the

* Froude, "History of England," vol. i. p. 19.

† *Ibid.* p. 26.

‡ "Chronicon Pretiosum."

people of Durham, Chester, and Wales. Undoubtedly there was a considerable increase in a century and a half. But what increase would there have been could the system of interference, founded upon the principle of keeping population and production stationary, have been successful? In our view, there was an end of the system when its broad foundation of slavery was at an end; and all subsequent laws for regulating wages, for fixing a maximum price on articles of necessity, and for surrounding trade with every species of arbitrary regulation in the vain endeavour to prevent fraud, were very useless attempts to prolong a controlling power when its vital principle had perished. It is of little consequence that for several centuries after the foundations of the mediæval feudality were utterly gone, endeavours of every kind were made to preserve the same regulating powers of authority which grew out of the original relations of lord, vassal, and serf. One by one they crumbled away in England; and as they more and more lost all vitality, and became mere incumbrances of legislation, the great body of the people more and more felt the possibility of increased production keeping pace with increased population; and their various comforts—positive luxuries when compared with the average household conveniences and gratifications of the fourteenth century—went on increasing, in the exact proportion of the national advance in wealth and knowledge under the self-regulating action of modern society.

But we venture to believe that we should fall into a grievous error if we were to accept the enactments which imply an organisation assigning to every man his certain place, and regulating all his dealings with his fellow men upon an absolute scale, as a complete evidence of the real condition of the people. The enactments themselves prove that they were, in a great degree, inoperative. We have mentioned the Statute of Diet and Apparel of 1368, and that it was repealed in the following year.* Is not this proof that "grooms and servants" could not be limited to meat once a day, and cloth of two marks the whole piece for their dress? The ordinance which regulates apparel regulates also the price at which the cloth is to be sold. Could the varying cost of the material of cloth allow this enactment to attain the slightest permanency? After the next session of parliament, the people, as to diet, apparel, and the price of cloth, became, in the words of the repealing Act "as free as they were before." After the pestilence, the Act of

* Vol. i. p. 533.

the 25th of Edward III. regulates wages. By the 12th of Richard II. wages are again regulated, because "servants and labourers will not serve and labour without outrageous and excessive hire." In the 7th year of Henry IV. labourers and artificers are to be sworn to serve after the form of these two statutes of Edward III. and Richard II., and if they refuse to do so, to be put in the stocks. Need we go farther to show that all such enactments were but blind devices to struggle against the only laws that could be operative in such matters? In less than a century after the first Act regulating wages of Edward III., a very different scale is given by the 23rd of Henry VI., but with this important condition—"that such as deserve less shall take less." The Statute does not say, "that such as deserve more shall take more." But the exception to the scale, in favour of the payers of wages, proves that the whole scheme was a fallacy. Of the same flimsy construction was all the boasted protection of the humbler classes, by state supervision, against what is termed "the money-making spirit" of the traders. They had far higher need of protection against those who went on seeking, however vainly, to beat down wages by scales and penalties. Out of the exercise of the spirit of exchange, throwing off its state shackles one by one, have grown all the material blessings of modern civilisation. When England became commercial, which it did rapidly in and after the reign of Edward III., the feudal organisation of society was thenceforth an impossibility. In every attempt to maintain that organisation, by what has been called "a higher code" for the production and distribution of wealth than the laws of supply and demand, we see only the dissolving shadow of a power once supreme, retreating and diminishing before a great expanding reality.