

a matter of fact William, toward the close of his reign, claimed the whole of the country as his own by right of conquest.

For this reason he and his Norman successors might properly have called themselves "Kings of England"; that is, supreme owners of the soil and rulers over it, a title which was formally assumed about fifty years later (in John's reign).

194. The National Council. — Associated with the King in government was the Great or National Council, made up of, first, the archbishops, bishops, and abbots; and, secondly, the earls and barons; that is, of all the great landholders holding directly from the Crown. The National Council usually met three times a year, — at Christmas, Easter, and Whitsuntide. All laws were held to be made by the King, acting with the advice and consent of this Council, but practically the King alone often enacted such laws as he saw fit.

When a new sovereign came to the throne, it was with the consent or by the election of the National Council, but their choice was generally limited to some one of the late King's sons, and unless there was good reason for making a different selection, the oldest was chosen. Finally the right of imposing taxes rested, theoretically at least, in the King and Council, but, in fact, the King himself frequently levied them. This action of the King was a cause of constant irritation and of frequent insurrection.

195. The Private or King's Council. — There was also a second and permanent council, called the King's Council. The three leading officers of this were: First, the Chief Justice, who superintended the execution of the laws, represented the King, and ruled for him during his absence from the country. Secondly, the Lord Chancellor (so called from *cancelli*, the screen behind which he sat with his clerks), who acted as the King's adviser and confidential secretary, and as keeper of the Great Seal, with which he stamped all important papers.¹ Thirdly, the Lord High Treasurer, who took charge of the King's revenue, received all moneys due the Crown, and kept the King's treasure in the vaults at Winchester or Westminster.

196. Tallies. — All accounts were kept by the Treasurer on tallies or small sticks, notched on the opposite sides to represent different

¹ The Chancellor was also called the "Keeper of the King's Conscience," because entrusted with the duty of redressing those grievances of the King's subjects which required royal interference. The Court of Chancery (mentioned § 197, note 2) grew out of this office.

sums. These were split lengthwise. One was given as a receipt to the sheriff, or other person paying in money to the treasury, while the duplicate of this tally was held by the Treasurer. This primitive method of keeping royal accounts remained legally in force until 1785, in the reign of George III.

197. Curia Regis,¹ or the King's Court of Justice. — The Chief Justice and Chancellor were generally chosen by the King from among the clergy; first, because the clergy were men of education, while the barons were not; and, next, because it was not expedient to entrust too much power to the barons. These officials, with the other members of the Private Council, constituted the King's High Court of Justice.

It followed the King as he moved from place to place, to hear and decide cases carried up by appeal from the county courts, together with other questions of importance.² In local government the country remained under the Normans essentially the same that it had been before the Conquest. The King continued to be represented in each county by an officer called the Sheriff, who collected the taxes and enforced the laws.

198. Trial by Battle. — In the administration of justice, Trial by Battle was introduced in addition to the Ordeal of the Saxons. This was a duel in which each of the contestants appealed to Heaven to give him the victory, it being believed that the right would vanquish. Noblemen³ fought on horseback in full armor, with sword, lance, and battle-axe; common people fought on foot with clubs.

In both cases the combat was in the presence of judges and might

¹ Curia Regis: this name was given, at different times, first, to the National Council; secondly, to the King's Private Council; and, lastly, to the High Court of Justice, consisting of members of the Private Council.

² The King's High Court of Justice (Curia Regis) was divided, about 1215, into three distinct courts: 1. The Exchequer Court (so called from the chequered cloth which covered the table of the court, and which was probably made useful in counting money), which dealt with cases of finance and revenue. 2. The Court of Common Pleas, which had jurisdiction in civil suits between subject and subject. 3. The Court of King's Bench, which transacted the remaining business, both civil and criminal, and had special jurisdiction over all inferior courts and civil corporations.

Later, a fourth court, that of Chancery (see § 195, and note), over which the Lord Chancellor presided, was established as a court of appeal and equity, to deal with cases where the common law gave no relief.

³ See Shakespeare's Richard II, Act I, Scenes 1 and 3; also Scott's Ivanhoe, Chapter XLIII.

last from sunrise until the stars appeared. Priests and women had the privilege of being represented by champions, who fought for them. Trial by battle was claimed and allowed by the court (though the combat did not come off) as late as 1817, reign of George III. This custom was finally abolished in 1819.¹

199. Divisions of Society.—The divisions of society remained after the Conquest nearly as before, but the Saxon orders of nobility, with a few very rare exceptions, were deprived of their rank and their estates given to the Normans.

It is important to notice here the marked difference between the new or Norman nobility and that of France.

In England a man was considered noble because, under William and his successors, he was a member of the National Council, or, in the case of an earl, because he represented the King in the government of a county or earldom.

His position did not exempt him from taxation, nor did his rank descend to more than one of his children. In France, on the contrary, the aristocracy were noble by birth, not office; they were generally exempt from taxation, thus throwing the whole of that burden on the people, and their rank descended to all their children.

During the Norman period a change was going on among the slaves, whose condition gradually improved. On the other hand, many who had been free now sank into that state of villeinage which, as it bound them to the soil, was but one remove from actual slavery.

The small, free landholders who still existed were mostly in the old Danish territory north of Watling Street, or in Kent in the south.

200. Tenure of Land (Military Service, Feudal Dues, National Militia).—All land was held directly or indirectly from the King on condition of military or other service. The number of chief-tenants who derived their title from the Crown, including ecclesiastical dignitaries, was probably about 1500. These constituted the Norman barons. The under-tenants were about 8000, and consisted chiefly of the English who had been driven out from their estates.

Every holder of land was obliged to furnish the King a fully armed and mounted soldier, to serve for forty days during the year for each piece of land bringing £20 annually, or about \$2000 in modern

¹ Trial by battle might be demanded in cases of chivalry or honor, in criminal actions and in civil suits. The last were fought not by the disputants themselves but by champions.

money¹ (the pound of that day probably representing twenty times that sum now). All chief-tenants were also bound to attend the King's Great Council three times a year, — at Christmas, Easter, and Whitsuntide.

Feudal Dues or Taxes. Every free tenant was obliged to pay a sum of money to the King or baron from whom he held his land, on three special occasions: 1. To ransom his lord from captivity in case he was made a prisoner of war. 2. To defray the expense of making his lord's eldest son a knight. 3. To provide a suitable marriage portion on the marriage of his lord's eldest daughter.

In addition to these taxes, or "aids," as they were called, there were other demands which the lord might make, such as: 1. A year's profits of the land from the heir, on his coming into possession of his father's estate; this was called a *relief*. 2. The income from the lands of orphan heirs not of age. 3. Payment for privilege of disposing of land.²

In case of an orphan heiress not of age, the feudal lord became her guardian and might select a suitable husband for her. Should the heiress reject the person selected, she forfeited a sum of money equal to the amount the lord expected to receive by the proposed marriage. Thus we find one woman in Ipswich giving a large fee for the privilege of "not being married except to her own good liking." In the collection of these "aids" and "reliefs," great extortion was often practised both by the King and the barons.

In addition to the feudal troops there was a national militia, consisting of peasants and others not provided with armor, who fought on foot with bows and spears. These could also be called on as during the Saxon period. In some cases of revolt of the barons, for instance, under William Rufus, this national militia proved of immense service to the Crown.

The great landholders let out part of their estates to tenants on similar terms to those on which they held their own, and in this way

¹ This amount does not appear to have been fully settled until the period following the Norman kings, but the principle was recognized by William.

² The clergy, being a corporate, and hence an ever-living body, were exempt from these last demands. Not satisfied with this, they were constantly endeavoring, with more or less success, to escape all feudal obligations, on the ground that they rendered the State divine service. In 1106, reign of Henry I, it was settled, for the time, that the bishops were to do homage to the King, *i.e.*, furnish military service for the lands they received from him as their feudal lord. See § 186.

the entire country was divided up. The lowest class of tenants were villeins or serfs, who held small pieces of land on condition of performing labor for it. These were bound to the soil and could be sold with it, but were not wholly destitute of legal rights.

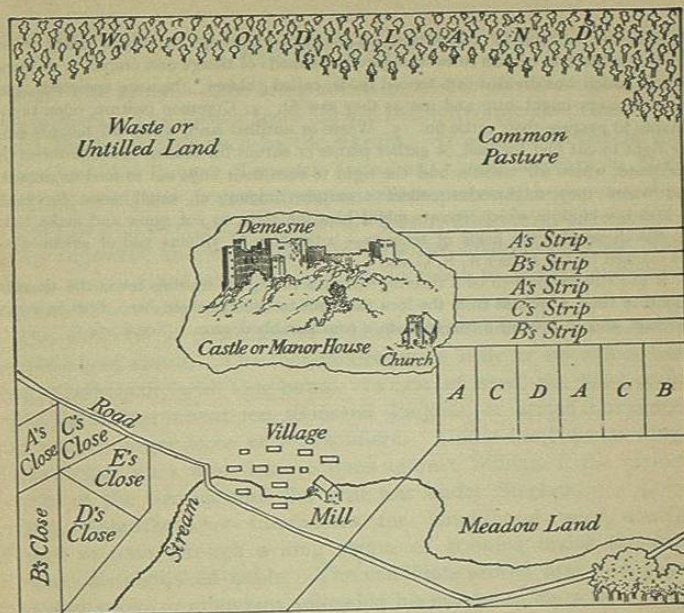
Under William I and his successors, all free tenants, of whatever grade, were bound to uphold the King, and in case of insurrection or civil war to serve under him.¹ In this most important respect the great landholders of England differed from those of the continent, where the lesser tenants were bound only to serve their masters, and might, and in fact often did, take up arms against the King. William removed this serious defect. By doing so he did the country an incalculable service. He completed the organization of *feudal land-tenure*, but he never established the *continental system* of feudal government. (See, too, Constitutional Summary in Appendix, page v, § 6.)

RELIGION

201. The Church. — With respect to the organization of the Church, no changes were made under the Norman kings. They, however, generally deposed the English bishops and substituted Normans or foreigners, who, as a class, were superior in education to the English. It came to be pretty clearly understood at this time that the Church was subordinate to the King, and that in all cases of dispute about temporal matters, he, and not the Pope, was to decide. During the Norman period great numbers of monasteries were built.

The most important action taken by William was the establishment of ecclesiastical courts in which all cases relating to the Church and the clergy were tried by the bishops according to laws of their own. Under these laws persons wearing the dress of a monk or priest, or who could manage to spell out a verse of the Psalms, and so pass for ecclesiastics, would claim the right to be tried, and, as the punishments which the Church inflicted were notoriously mild, the consequence was that the majority of criminals escaped the penalty of their evil doings. So great was the abuse of this privilege, that, at a later period, Henry II made an attempt to reform it; but it was not finally done away with until the beginning of the nineteenth century.

¹ See Constitutional Summary in Appendix, pages iii-v, §§ 5, 6.



A MANOR OR TOWNSHIP HELD BY A LORD, NORMAN PERIOD

(The building is Ludlow Castle, Shropshire. Manor houses proper, as distinct from castles, existed in England at least from the thirteenth century.)

The inhabitants of a manor, or the estate of a lord, were: 1. The lord himself, or his representative, who held his estate on condition of furnishing the king a certain number of armed men. (See §§ 160, 200.) 2. The lord's personal followers, who lived with him, and usually a parish priest or a number of monks. 3. The villeins, bound to the soil, who could not leave the manor, were not subject to military duty, and who paid rent in labor or produce; there might also be a few slaves, but this last class gradually rose to the partial freedom of villeinage. 4. Certain sokemen or free tenants, who were subject to military duty, but were not bound to remain on the manor, and who paid a fixed rent in money, or otherwise.

Next to the manor house (where courts were also held) the most important buildings were the church (used sometimes for markets and town meetings); the lord's mill (if there was a stream), in which all tenants must grind their grain and pay for the grinding; and finally, the cottages of the tenants, gathered in a village near the mill.

The land was divided as follows: 1. The demesne (or domain) surrounding the manor house. This was strictly private — the lord's ground. 2. The land outside

the demesne, suitable for cultivation. This was let in strips, usually of thirty acres, but was subject to certain rules in regard to methods of tillage and crops. 3. A piece of land which was divided into fenced fields, called "closes" (because enclosed), and which tenants might hire and use as they saw fit. 4. Common pasture, open to all tenants to pasture their cattle on. 5. Waste or untilled land, where all tenants had the right to cut turf for fuel, or gather plants or shrubs for fodder. 6. The forest or woodland, where all tenants had the right to turn their hogs out to feed on acorns, and where they might also collect a certain amount of small wood for fuel. 7. Meadow land on which tenants might hire the right to cut grass and make hay. On the above plan the fields of tenants—both those of villeins and of sokemen—are marked by the letters A, B, C, etc.

If the village grew to be a thriving manufacturing or trading town, the tenants might, in time, purchase from the lord the right to manage their own affairs in great measure, and so become a free town in a considerable degree. (See § 234.)

MILITARY AFFAIRS

202. The Army.—The army consisted of cavalry, or knights, and foot-soldiers. The former were almost wholly Normans. They wore armor similar to that used by the Saxons. It is represented in the pictures of the Bayeux Tapestry (see § 205), and appears to have consisted of leather or stout linen, on which pieces of bone, or scales, or rings of iron were securely sewed. Later, these rings of iron were set up edgewise, and interlinked, or the scales made to overlap. The helmet was pointed, and had a piece in front to protect the nose. The shield was long and kite-shaped.

The weapons of this class of soldiers consisted of a lance and a double-edged sword. The foot-soldiers wore little or no armor and fought principally with long-bows. In case of need, the King could probably muster about ten thousand knights, or armed horsemen, and a much larger force of foot-soldiers. Under the Norman kings the principal wars were insurrections against William I, the various revolts of the barons, and the civil war under Stephen.

203. Knighthood.¹—Candidates for knighthood were usually obliged to pass through a long course of training under the care of some distinguished noble. The candidate served first as a page, then as a squire or attendant, following his master to the wars. After seven years in this capacity, he prepared himself for receiving the honors of knighthood by spending several days in a church, engaged in solemn religious rites, fasting, and prayer.

The young man, in the presence of his friends and kindred, then made oath to be loyal to the King, to defend religion, and to be the champion of every lady in danger or distress. Next, a high-born dame or great warrior buckled on his spurs, and girded the sword, which the priest had blessed, to his side. This done, he knelt to the prince or noble who was to perform the final ceremony. The prince struck him lightly on the shoulder with the flat of the sword,

¹ Knighthood: originally the knight (cniht) was a youth or attendant. Later, the word came to mean an armed horse-soldier or cavalier who had received his weapons and title in a solemn manner. Those whom the English called knights the Normans called chevaliers (literally, horsemen), and as only the wealthy and noble could, as a rule, afford the expense of a horse and armor, chivalry, or knighthood, came in time to be closely connected with the idea of aristocracy. Besides the method described above, soldiers were sometimes made knights on the battle-field as a reward for valor.

saying, "In the name of God, St. Michael,¹ and St. George [the patron saint of England], I dub thee knight. Be brave, hardy, and loyal."

Then the young cavalier leaped into the saddle and galloped up and down, brandishing his weapons in token of strength and skill. In case a knight proved false to his oaths, he was publicly degraded. His spurs were taken from him, his shield reversed, his armor broken to pieces, and a sermon preached upon him in the neighboring church, proclaiming him dead to the order.

LITERATURE, LEARNING, AND ART

204. Education. — The learning of this period was confined almost wholly to the clergy. Whatever schools existed were connected with the monasteries and nunneries. Very few books were written. Generally speaking, the nobility considered fighting the great business of life and cared nothing for education. To read or write was beneath their dignity. Such accomplishments they left to monks, priests, and lawyers. For this reason seals or stamps having some device or signature engraved on them came to be used on all papers of importance.

205. Historical Works. — The chief books written in England under the Norman kings were histories. Of these, the most noteworthy were the continuation of the Anglo-Saxon Chronicle in English and the chronicles of William of Malmesbury and Henry of Huntingdon in Latin.² William's book and the Saxon Chronicle still continue to be of great importance to students of this period. Mention has already been made of the Bayeux Tapestry (§ 152), a history of the Norman Conquest worked in colored worsteds, on a long strip of narrow canvas.

It consists of a series of seventy-two scenes, or pictures, done about the time of William's accession. Some have supposed it to be the work of his Queen, Matilda. The entire length is two hundred and fourteen feet and the width about twenty inches. It represents events in English history from the last of Edward the

¹ St. Michael, as representative of the triumphant power of good over evil.

² Among the historical works of this period may be included Geoffrey of Monmouth's *History of the Britons*, in Latin, a book whose chief value is in the curious romances with which it abounds, especially those relating to King Arthur. It is the basis of Tennyson's poem of the *Idylls of the King*.

Confessor's reign to the battle of Hastings. As a guide to a knowledge of the armor, weapons, and costume of the period, it is of very great value.

206. Architecture. — Under the Norman sovereigns there was neither painting, statuary, nor poetry worthy of mention. The spirit that creates these arts found expression in architecture introduced from the continent. The castle, cathedral, and minster, with here and there an exceptional structure like London Bridge and the Great Hall at Westminster, built by William Rufus, were the buildings which mark the time. Aside from Westminster Abbey, which, although the work of Edward the Confessor, was really Norman, a fortress or two, like Coningsborough in Yorkshire, and a few churches, like that at Bradford-on-Avon, the Saxons erected little of note.

On the continent, stone had already come into general use for churches and fortresses. William was no sooner firmly established on his throne than he began to employ it for similar purposes in England.

The characteristic of the Norman style of architecture was its massive grandeur. The churches were built in the form of a cross, with a square, central tower, the main entrance being at the west. The interior was divided into a nave, or central portion, with an aisle on each side for the passage of religious processions. The windows were narrow, and rounded at the top. The roof rested on round arches supported by heavy columns. The cathedrals of Peterborough, Ely, Durham, Norwich, the church of St. Bartholomew, London, and St. John's Chapel in the Tower of London are fine examples of Norman work.

The castles consisted of a square keep, or citadel, with walls of immense thickness, having a few slit-like windows in the lower story and somewhat larger ones above. In these everything was made subordinate to strength and security. They were surrounded by a high stone wall and deep ditch, generally filled with water. The entrance to them was over a drawbridge through an archway protected by an iron grating, or portcullis, which could be raised and lowered at pleasure. The Tower of London, Rochester Castle, Carisbrook Keep, New Castle on the Tyne, and Tintagel Hold were built by William or his Norman successors.

The so-called Jews' houses at Lincoln and St. Edmundsbury are rare and excellent examples of Norman domestic architecture.

Although in many cases the castles are in ruins, yet these ruins bid fair to stand as long as the Pyramids. They were mostly the work of churchmen, who were the best architects of the day, and knew how to plan a fortress as well as to build a minster.

GENERAL INDUSTRY AND COMMERCE

207. Trade. — No very marked change took place in respect to agriculture or trade during the Norman period. The Jews who came in with the Conqueror got the control of much of the trade, and were the only capitalists of the time.

They were protected by the kings in money-lending at exorbitant rates of interest. In turn, the kings extorted immense sums from them.

The guilds (§ 142), or associations for mutual protection among merchants, now became prominent, and came eventually to have great political influence.

MODE OF LIFE, MANNERS, AND CUSTOMS

208. Dress. — The Normans were more temperate and refined in their mode of living than the Saxons. In dress they made great display. In Henry I's reign it became the custom for the nobility to wear their hair very long, so that their curls resembled those of women. The clergy thundered against this effeminate fashion, but with no effect. At last, a priest preaching before the King on Easter Sunday, ended his sermon by taking out a pair of shears and cropping the entire congregation, King and all.

By the regulation called the curfew,¹ a bell rang at sunset in summer and at eight in winter, which was the government signal for putting out lights and covering up fires. This law, which was especially hated by the English, as a Norman innovation and act of tyranny, was a necessary precaution against fire, at a time when London and other cities were masses of wooden hovels.

Surnames came in with the Normans. Previous to the Conquest, Englishmen had but one name; and when, for convenience, another was needed, they were called by their occupation or from some personal peculiarity, as Edward the Carpenter, Harold the Dauntless. Among the Normans the lack of a second, or family, name had come

¹ Curfew: (French) *couvre-feu*, cover-fire.

to be looked upon as a sign of low birth, and the daughter of a great lord (Fitz-Haman) refused to marry a nobleman who had but one, saying, "My father and my grandfather had each two names, and it were a great shame to me to take a husband who has less."

The principal amusements were hunting and hawking (catching small game with trained hawks).

The Church introduced theatrical plays, written and acted by the monks. These represented scenes in Scripture history, and, later, the career of the Vices and the Virtues were personified.

Tournaments, or mock combats between knights, were not encouraged by William I or his immediate successors, but became common in the period following the Norman kings.