revolt under Hereward. That inaccessible district can never have fully submitted; still the warfare there was a new and distinct outbreak, and not a continuation of the earlier warfare at Exeter, York, and Chester. The abbey of Ely was the centre of resistance, and, in a country which so often formed the last shelter of defeated parties, it was defended for about a year. Earl Eadwine was slain on his way to join the insurgents; Morkere was in the island at the time of its surrender, and was condemned to a life-long imprisonment. Hereward alone, with a few valiant followers, escaped by sea. He appears to have been afterwards reconciled to William, and even to have served him in his foreign wars. The manner of his death is uncertain.

The war at Ely was the last patriotic warfare on the part of the English against William. He was now undisputed master of England; the nation had learned that the time for national resistance was past, and that local revolts could avail nothing. On the Welsh border he established the great earldoms of Chester, Shrewsbury, and Hereford, whose holders largely extended the power of the English kingdom at the expense of the Britons. Northumberland was entrusted to the care of a succession of earls, first English, then Norman. But on this side the frontiers of the kingdom were not at this time enlarged.

Relations with Scotland.

But from the very beginning of William's conquest the northern frontier was a source of the deepest anxiety. The banished English, and specially the royal family, found shelter at the court of Malcolm of Scotland, who married Margaret, the sister of Eadgar. Under cover of asserting their rights, Malcolm cruelly ravaged northern England. But in 1072 William himself entered Scotland and received the homage of Malcolm at Abernethy. He had thus succeeded to the empire, as well as to the immediate kingdom, of his West-Saxon predecessors. In the next year he employed English troops on the continent in winning back the revolted county of Maine. In 1074 he could afford to admit Eadgar, the rival king of a moment, to his favour.

Revolt of the earls.

A revolt which took place in 1075 only showed how firmly William's power was established, and how little disposition there was on the part of the English to rise against him. Two of his own earls rose against him. One, Ralph earl of Norfolk, was an Englishman by birth; but as he came over with William and served with him at Senlac, he must have been banished under Eadward or Harold. His fellow rebel, Roger earl of Hereford, was the son of William's special friend William Fitz-Osbern. These two revolted; but they had to trust mainly to the help of Breton mercenaries or adventurers: Normans and English were leagued against them. The revolt was crushed; Ralph escaped; Roger, like Morkere, spent the rest of his days in prison. But their fall brought down with them the last Englishman who held a secular post of the first rank under William. This was Waltheof, formerly the leader of the English at York, but who had submitted again and had been received to the king's highest favour. Besides his former earldoms of Northampton and Huntingdon, he had received the earldom of Northumberland. That name now means so much of Bernicia as had not passed to the Scottish kings; that is, the present county so-called. Waltheof seems to have listened to the plans of his brother earls; but he took no part in their revolt, and he even revealed the conspiracy to William. Yet he was the only one of the three whose life was taken.

Execution of Waltheof.

After a long imprisonment, he was on May 31, 1076, beheaded at Winchester. At no other time in William's long reign did he send a political enemy to the scaffold; and Waltheof could hardly be called a political enemy. The Norman courtiers and his own Norman wife, the king's niece Judith, seem to have called for his blood. By the English he was looked on as a saint and martyr.

The last eleven years of William's reign are far richer in continental than in English events. He was engaged in wars with his French and Breton neighbours, and with his rebellious eldest son Robert. In England a Danish invasion in 1075, in concert with the revolt of the earls, led to a sack of York, and to nothing further. In 1080 Walcher, bishop of Durham and earl of Northumberland, was killed in a popular tumult. A revolt it could hardly be called; but it was cruelly punished by the king's brother Bishop Odo. After this we do not hear of so much as a tumult. In 1086 an invasion from Denmark was again threatened by the Danish king Cnut. His enterprise was stopped by his death by the hands of his own subjects, which won him, somewhat strangely, the honours of martyrdom and the title of a saint.

Death of William.

The next year, 1087, William himself died of an accidental hurt received while burning the town of Mantes in warfare with his neighbour and lord, Philip king of the French.

Accession of William Rufus. Revolt of the Normans suppressed by the English.

The Conqueror was now gone, but the tale of the Conquest is not quite over. One act more of the drama is still to be told before we stop to consider the nature, the cause, and the results, of this wonderful revolution. By the dying will of William, Normandy passed to his eldest son Robert; England he wished to be the portion of his second son William. William, surnamed the Red, was acknowledged and crowned without opposition. In the next year (1088) almost the whole of the Norman nobles rebelled on behalf of Robert. The king appealed to his English subjects. By their valour, seconded by the loyalty of the bishops, the Norman revolt was put down, and the crown of the Red King was made safe. This was the last time that Normans and English, as such, met in arms on English soil. The work of the Conquest had been so thoroughly done that it could bear in a certain sense to be undone. The conquest made by the Norman had been so thorough that it was not disturbed even by English victories over Normans. Within twenty-two years after William's landing, his son, the second Norman king, owed his crown to the support of the native English against his own countrymen. Signs of distinction and jealousy between the two races may be discerned for some time longer; but the last open warfare between them was when the English defended the throne of William Rufus against his Norman rebels.

Character of the Conquest.

Such is a short sketch of the leading events of the period which we may call the period of the Norman Conquest. Looking at it simply as an event, it is most important to bear in mind its gradual nature. Nothing can be further from the truth than the notion that England passed at once into the hands of the Normans after a single battle. Still there is a sense in which it is not untrue to say that England was conquered in a single battle. After the fall of Harold, at all events after the northern earls withdrew their forces from the service of Eadgar, the conquest of England was only a question of time. Just as in the days of Æthelred there was no acknowledged leader; and throughout that age, under a worthy leader, the English people could do everything; without such an one, they could do nothing. There was no man who could gather the whole force of the nation around him. There was no man who could stand up as William's rival either in military or in political skill. Hence, after the one great battle, there was no common effort. The West resisted valiantly; the North resisted valiantly; but the resistance of each was isolated without any intelligent concert. Help came from Denmark; but it was no avail when there was no generalship, no common plan, and when the Danish leaders were actually bribed by William. In all these ways the strength of the

country was frittered away. Ælfred and Eadmund Ironside, whether defeated or victorious, fought battle after battle. They were real leaders. After Harold fell in the first battle, there was no real leader left, and the first pitched battle was the last. Next to the fall of Harold and his brothers in the first battle, William's greatest advantage was the submission of London and of the chief men assembled in London. This enabled him to be crowned king at an early stage of the war, when not more than a third of the country was in his actual possession. From that time his government had a show of legality. The resistance of the west and north was, in fact, as truly resistance to an invading enemy as the fight on Senlac itself. But, when William was once crowned, when there was no other king in the land, resistance to him took the outward form of rebellion. The gradual nature of the conquest, together with William's position as crowned king at the head of an established government, even enabled him to turn the force of the conquered districts against those which were still unconquered, and to subdue England in some measure by the arms of Englishmen. Thus, within five years from his landing, anything like real resistance had come to an end. William was full king throughout the land. The revolt of the earls met with no national support, and the tumult in which Bishop Walcher was killed was a mere tumult, caused by local and personal wrongs, such as might have happened in any age. The one general national impulse of a later date than the fall of Chester was, as we have just seen, that which led the English people to support that son of the Conqueror who appealed to them against that son of the Conqueror who was supported by the Norman nobles.

Title of Conqueror.

But the Norman conquest of England was something much more than the mere establishment of a Norman king or a Norman dynasty upon the throne of England. William, we must always remember, did not give himself out as a conqueror. The name *Conqueror*, *Conquæstor*, though applied with perfect truth in the common sense, must strictly be taken in the legal meaning of *purchaser* or *acquirer*. William claimed the crown as the lawful successor of Eadward. No doubt he would have been well pleased if his title had been peaceably acknowledged. As his claim was not acknowledged or taken notice of in any way, he had, from his own point of view, no course left except to make good his rights by force; and, in a land where he had no native partisans, the making good of his rights by force meant the conquest of the land by a foreign army. The peculiar character of the Norman Conquest comes from this, that a legal claim to the crown was made good through conquest by a foreign army. William's accession was something quite different from the mere peaceful succession of a foreign king. It was also something quite different from a mere foreign invasion without any legal pretext at all.

We must here, in considering the effects of the Norman Conquest, distinguish between those immediate effects which are rather the form which the Conquest itself took and those lasting effects which the peculiar nature of the Conquest caused it to have upon the whole future history of England. The peculiar nature of William's claim, and the personal character of William himself, had the deepest influence both on the character of the Conquest itself as an event, and on the character of its permanent results.

We may say generally of William that he was a man who united the highest military skill of his age with a political skill which would have made him great in any age. He knew how to knit together a number of points, none of which really proved anything, but all of which in one way or another told in his favour, so as to give a plausible look to a claim which had no legal or moral ground whatever. He deceived others; most likely he deceived himself. He was in no sort a vulgar oppressor, in no sort a contemptuous despiser of law and right. He never lost sight of a formal justice and of a more than formal piety. He was cruel, in the sense of not scrupling at any severity which would serve his purpose; he was not cruel, in the sense of taking any pleasure in oppression for its own sake. He was guided strictly by the letter of the law, according to his reading of the law. In his own idea, he was not only guided by justice, but he tempered justice with mercy. It is certain that he often forgave those who revolted against him; it is also certain that he carefully abstained from blood except in open battle. When he punished, it was always, with the single exception of Waltheof, by some penalty short of death. That the worse part of his character grew at the expense of the better is not wonderful in such a career. Early in his reign he laid waste Northumberland out of a cruel policy; later in his reign he laid waste a large tract of Hampshire to form a forest for his own pleasure. In his earlier days Exeter withstood him, Le Mans revolted against him. Both those cities he entered as a peaceful conqueror. In his last days he gave Mantes to the flames, and enjoyed the sight, when he had no wrong to avenge on the part of the people of Mantes, but when he was simply stirred up to wrath by a silly jest of their king.

His confiscation and grants of land.

The effect of the peculiar position and character of William was that his settlement was in truth a territorial conquest veiled under legal forms. In William's reading of the law, if he was not himself actually king from the moment of Eadward's death, yet at least he was the one lawful successor to the kingdom. It was therefore treason to fight against him, or to put any hindrance in the way of his taking possession of the crown. The lands and goods of traitors were confiscated to the crown; therefore the lands and goods of all who had opposed William, living or dead, were confiscated to him. The crown lands—and in William's reading of the law, the *folkland* was crown land—of course passed to the new king. The whole *folkland* then, together with the lands of all who had fallen on Senlac, including the vast estates of Harold and his brothers, all passed to William, and was at his disposal. But, as no Englishman had supported his claims, as many Englishmen had opposed him in arms, the whole nation was involved either in actual or in constructive treason. The whole soil of England then, except the property of ecclesiastical corporations, was forfeited to the new king. But William was not inclined to press his claims to the uttermost; at his first entry he allowed the mass of the English landowners to redeem the whole or a part of their possessions. Gradually, after each conquest of a district, after each suppression of a revolt, more land came into the king's power. That land was dealt with according to his pleasure. It was restored, wholly or in part, to its former owners; it was granted away, wholly or in part, to new owners, as William thought good in each particular case. But in every case, whether a man kept his own land or received land which had belonged to some one else, all land was held as a grant from the king. The only proof of lawful ownership was either the king's written grant, or else evidence that the owner had been put in possession by the king's order. Of this process of confiscation and regrant, carried out bit by bit during the whole reign of William, Domesday is the record. We see that, in the course of William's twenty-one years, by far the greater part of the land of England had changed hands. We see further, as we might take for granted in such a case, that by far the greater part of the land which was granted to new owners was granted to William's foreign followers. By the end of William's reign all the greatest estates in England had

passed into the hands of Normans and other strangers. But we see also that it is an utter mistake to believe that Englishmen were indiscriminately turned out of hearth and home. A few Englishmen who had, in whatever way, won William's special favour kept great estates. A crowd of Englishmen kept small estates or fragments of great ones. In a vast number of cases the English owner kept his lands as tenant under a Norman grantee. Altogether the actual occupants of the soil must have been much less disturbed than might have seemed possible in so great a transfer of lands from one set of owners to another.

The special feature of this great transfer of land from men of one nation to men of another is that it was done gradually and under legal form. It was not a mere scramble for what every man could get; nor was it like those cases in the early Teutonic invasions when the lands of the conquered, or a part of them, were systematically divided among the conquering army. Every step in William's great confiscation was done regularly and according to his notion of law. There was no formal or general distinction between Normans and Englishmen. Every man, Norman or English, was dealt with according to his personal merits. Every man, Norman or English, held his land only by a grant from King William. No general change was made in the tenure of land. The new owner got his land on the same terms on which the old owner had held it. The new owner was clothed with the same rights, and was burthened with the same liabilities, as the old one. William took lands here, and granted them there, according to the circumstances of each case. Most commonly he took from Englishmen and gave to Normans. But he took from Englishmen and gave to Normans, not by virtue of any legal distinction between Englishmen and Normans, but because it was, as a rule, Englishmen who incurred forfeiture by resisting him, Normans who deserved reward by serving him.

[His disposal of offices;] As William dealt with lands, so he dealt with offices. The two processes were to some extent the same; for most ecclesiastical and many temporal offices carried with them land or rights over land. Gradually, and under cover of law, the highest offices in Church and State were taken from Englishmen and bestowed on Normans. At the end of William's reign there was no English earl, but one English bishop, and only a few English abbots. But this change was not made all at once. In the appointment of earls William brought in a new policy which reversed that of Cnut. The great earldoms were broken up. There were no more earls of the West-Saxons or of the Mercians, and the earldom of Northumberland now meant only the modern county. [of earldoms;] Indeed William did not appoint earls at all, except in districts which were open to attack by land or sea—districts, in short, where the earls would have to play the part of *marquesses*. Kent, Norfolk, Northumberland, Chester, Shrewsbury, Hereford, were William's only earldoms. Each of these had a special duty of guardianship against the Briton, the Scot, the Dane, and any possible enemies from Gaul or Germany. At his coming he established Norman earls in such parts of the earldoms of Harold and his brothers as he thought needed defence. Elsewhere he kept the English earls, and even appointed new ones, as the circumstances of the time dictated. At last, ten years after William's coming, the last English earl was removed by the beheading of Waltheof. Other officers, sheriffs, stallers, and the like, were in the same way gradually changed. But smaller posts largely remained in the hands of Englishmen. It has been noticed, as marking some traits in William's personal habits, that Eadward's English huntsmen kept their places, but that all the new king's cooks were strangers.

The same system was carried on with ecclesiastical offices also, though in this case a greater degree of caution was needed. [of bishoprics and abbeys.] The king might by himself, or at all events with the consent of his Witan, remove a sheriff, an earl, or any temporal officer: to remove a bishop or abbot needed, in William's view, full ecclesiastical sanction. Throughout William's reign, when a bishop died, a foreign successor was found for him, and those English bishops against whom any canonical charge could be devised were removed without waiting for their deaths. The same general rule was applied to the abbots, though here the exclusion of Englishmen was not quite so strict. Though the greater number of the newly appointed abbots were strangers, a few Englishmen were appointed to abbeys even down to the end of William's reign. In a series of synods held in 1070 by the papal legates, the new organization of the English Church began. The two metropolitan sees were filled by foreigners. York was vacant in ordinary course by the death of Ealdred; it was bestowed on the Norman Thomas of Bayeux. Canterbury was vacated by the deposition of Stigand, and was bestowed on a far more famous man, Lanfranc of Pavia, William's right hand man in the settlement of Church and State. Other sees were filled in the same year, and gradually, as bishops died or were deposed, Normans took their places. At William's death, Wulfstan of Worcester was the only bishop of English birth.

[Domesday.] Of these changes in the possession of landed property Domesday Book is the great record. This unique and invaluable document was drawn up in pursuance of a decree passed in the Christmas assembly of 1085–1086, and the necessary survey was made in the course of the first seven months of 1086. The immediate object of the survey was a fiscal one, to insure that the tax on the land known as *Danegeld*[1] might be more regularly paid and more fairly assessed. But William further took care to have a complete picture of his kingdom drawn up. We are told in all cases by whom the land was held at the time of the survey, and by whom it had been held in the time of King Eadward. We are told what was the value of the land at those two dates. This is the essence of the inquiry; but we also get a mass of statistics and a mass of personal and local detail of every kind. As a mere list of landowners under Eadward and under William, it enables us to trace the exact degree to which land had passed from Englishmen to Normans. And the incidental notices of tenures, customs, personal anecdotes, the local institutions of districts and towns, are at least as valuable as the essential parts of the survey. With their help we can see England as it was in 1086 more clearly than we can see it at any earlier time, more clearly than we can see it at any later time for a long while after. And not the least instructive thing about the survey is the light which it throws on the general character of William's government, the system of legal fictions, the strict regard to a formal justice. William is assumed throughout as the lawful and immediate successor of Eadward. The reign of Harold is ignored. The grant of William is assumed as the one lawful source of property; but there is throughout a clear desire to do justice according to that doctrine, to secure every man in his right, as William understood right, without any regard to race or rank. Powerful Normans, William's own brothers among them, are entered as withholding lands wrongfully, sometimes from other Normans, sometimes from Englishmen. Domesday, in short, may be set alongside of the English Chronicle as one of the two great and

[1] The more correct name is *Heregeld*, that is, a tax for the support of a paid military force. *Danegeld* is, in strictness, money paid to the Danes as black mail by Æthelred and others. But, as both payments were unpopular, the two names got confounded, and *Danegeld* became the received name of the chief direct tax paid in those times.

unique sources of English history. They are possessions which have no parallel elsewhere.

[Assemblies under William.] In the constitution of England William made no formal change, and the particular laws of his enacting were few. The direct changes of his reign had some analogy to the direct changes which followed on the introduction of Christianity. No old institutions were abolished; but some new institutions were set up by the side of the old ones. The old national assemblies went on, without any change in their formal constitution. The real change in their character was not a formal, but a practical one. The assembly which, at the beginning of William's reign, was an assembly of Englishmen with here and there a Norman had, before the end of his reign, changed into an assembly of Normans with here and there an Englishman. The assemblies, as before, were in ordinary times mere gatherings of the great men of the realm; but, as before, on special occasions, a vast multitude was brought together. [The *gemót* of 1086.] Thus, when Domesday was finished in 1086, William gathered all the landowners of his kingdom, great and small, whether his tenants-in-chief or the tenants of an intermediate lord, and made them all become his men. No one act in English history is more important than this. By it William secured his realm against the growth of feudal doctrines and their abuses. It established the principle that, whatever duty a man might owe to any inferior lord, his duty to his sovereign lord the king came first. When this rule was once established, the mightiest earl in England could never be to William what William himself was to his own lord the King of the French. This one act of the wisdom of the Conqueror secured the unity of England for ever.

[Changes in the law.] Of the few actual changes in the law which William made, the most part were mere ordinances enacted to meet the immediate needs of the time. Thus, for instance, in the appeal to the judgment of God, the English ordeal and the Norman wager of battle were alike legalized and regulated. Provisions were made for the safety of William's foreign followers, especially by the singular law of *Murder* and *Englishry*, according to which, if an unknown man was found dead, he was held to be a Norman, unless he could be proved to be English. In legislating against the slave-trade, William only followed in the steps of former kings; but in wholly forbidding the punishment of death, he acted on a personal theory of his own. But it must be remembered that, in William's jurisprudence, the substitutes for death were mutilations which in modern ideas would be deemed worse than death. Most of these provisions were in their own nature temporary. The chief permanent change in our law which was due to an actual ordinance of William was a part of his ecclesiastical reformation, the separation of the temporal and spiritual jurisdictions. Hitherto the bishop and the earl had sat together in the *Scírgemót*, and had heard both ecclesiastical and temporal causes. This was now forbidden, and separate ecclesiastical courts began. The strict forest law of William's reign must also have been an innovation; but it does not exist in the shape of a code; we know it only by the complaints of the contemporary chronicles, and by the practice of later times. In all legal matters the ancient assemblies and the ancient forms went on; nor was there any direct change in the language of the law. English remained, as before, an alternative language with Latin. But from this time the use of Latin gradually encroaches on the use of English. French is not used till a much later time.

But the immediate and formal changes which followed on William's coming were of small account when compared with the indirect, and far more important, changes which came as it were of themselves as the natural result of his coming. [Effect of the Conquest] A revolution was gradually wrought in everything that touched the relations of the kingdom within and without. But it was a revolution of a strange kind. It was a revolution which seemed, if not to root up our ancient institutions, at least practically so to transform them that they might be deemed to have in truth passed away. It was a revolution which seemed to have broken down the spirit of Englishmen for ever under the yoke of strangers. But what that revolution really did was to call forth the spirit of Englishmen in a stronger and more abiding shape, and to enable us to win back under new forms the substance of the institutions which seemed for a moment to have passed away. This will then be the best place to go through the chief lasting results of the Conquest, and to show how deeply, and in what ways, that event has influenced our institutions and the general course of our history down to our own day.

[on foreign relations.] First of all, the Norman Conquest altogether changed the European position of England. As soon as England was ruled by a continental prince who kept his dominions on the continent, Britain ceased to be that separate world which it had hitherto been. And, though after events brought us back in no small degree to our older insular character, yet Britain has never again become so completely another world as it was in the older day. We have already seen that it was through her connexion with Normandy that England was first led into that rivalry with France which has had so great an influence on our later history. England took up the quarrel of Normandy, and she carried it on on her own account after Normandy had gone over to the other side. [on ecclesiastical relations.] And, besides this special side of our history which is formed by the relations between England and France, the Norman Conquest brought England in every way into closer connexion with continental nations generally. In ecclesiastical matters this took the form of a far closer connexion with the see of Rome than had been known before. The insular position of Britain had hitherto made the English Church far more independent of the see of Rome than the western churches generally. If the king of the English was looked on as the emperor of another world, the primate of all England was also looked on, and was sometimes directly spoken of, as the pope of another world. And it may be that the very fact that the English Church was more directly the child of the Roman Church than any other of the western churches may really have helped to strengthen the independence of the island church. It was pre-eminently a child. It was not a subject or a servant, nor could it pass for a part of the Roman Church itself. It was a child, but a child of full age, who owed reverence indeed, but who no longer owed servile obedience. One great effect of the Conquest was to weaken this insular independence, and to bring the insular Church more nearly into the same position as the churches of the mainland. In this, as in many other things, the Conquest did but confirm and hasten tendencies which were already at work. The reforms of Dunstan's day marked one step Romewards. Another, we may say, was marked by the pilgrimage of Cnut. The zeal of a new convert naturally filled the Danish king with a special reverence for the chief seat of the religion which he had embraced. The reign of Eadward, a special devotee of the Roman Church, wrought still more strongly in the same direction. In his day the interference of the Roman see in the affairs of England becomes more marked and constant than ever. But the great step of all was taken by William himself. When he sought for a papal confirmation of his claim to the crown of England, he went very far towards clothing the pope with a power to dispose of that crown. In William's own hands the rights of his crown were safe. When Hildebrand himself called on him to do homage for his

crown, he refused to do what no king of the English had done before him. So, while the great struggle of investitures was raging in Germany and Italy, William went on in England and in Normandy investing bishops and abbots with the staff, as the kings and dukes before him had done. Nor did Hildebrand ever blame William for doing what he branded as such deadly sin in his own sovereign the emperor. Under William the old ecclesiastical supremacy of the crown remained untouched; but it is none the less true that two acts of his had a direct tendency to undermine it. The separation of the ecclesiastical and temporal jurisdictions led the way to those claims on the part of churchmen to be exempted from all temporal jurisdiction which were unheeded in his day, but which became matter of such important controversy under his successors. And, though he himself firmly refused all homage for his crown, yet, when he made the pope a judge between himself and Harold, he led the way for the day when his descendant took his crown back again as a fief of the Roman see.

English share in the crusades.

In other points also we see the way in which the Norman Conquest opened a path for increased intercourse between England and the continent. It was doubtless mainly owing to the Norman settlers that England took the share which she did in the crusades. The crusades were primarily a Gaulish movement. Germany was less stirred than Gaul, and Scandinavia was less stirred than Germany. England, in her old insular state, could hardly have played a greater part than Scandinavia. Again, with the accession of a foreign line of kings, foreign marriages become more common. The settlement of foreigners in England which began with the conquest and confiscations of William was followed by the coming of settlers of a more peaceful kind, of foreign merchants and of foreign scholars. And, if strangers came to make their fortunes in England, the general breaking down of barriers between nation and nation equally opened the way for the advancement of Englishmen in other lands. These were gradual and indirect results of the great Norman revolution. But the Conquest itself, its confiscations and its outlawries, led directly to an emigration of Englishmen of quite another kind. Englishmen, chafing under the yoke of the stranger, found their way to the extremest bounds of Europe. They took service under the Eastern emperor, and remained the surest bulwarks of his throne against the assaults of Turk and Frank alike.

William hinders feudalism.

With regard to the effects of the Conquest on English institutions, the Norman king stepped into the position of his English predecessors. As king he claimed their rights, and no more. But the circumstances of the Conquest worked in every way to increase his power, and to provide him with new means of influence and new sources of revenue. The notion that William introduced a "feudal system" into England is a delusion which shows utter ignorance both of the position of William and of the general history of Europe. If by a "feudal system" is meant the state of things in Germany and Gaul, a state of things in which every great vassal became a rival to the king, William took direct care that no such "feudal system" should ever be introduced into his kingdom. But if by a "feudal system" is meant merely the holding of land by military tenure, subject to the burthens of reliefs, wardship, marriage, and the like, though William certainly did not introduce such a "system" ready made, yet the circumstances of his reign did much to promote the growth of that kind of tenure, and of the whole class of ideas connected with it. Such tendencies were already growing in England, and his coming strengthened them. Under him the doctrine that all land is a grant from the crown became a fact. And, though he did not directly innovate on the Old-English tenures, yet we can see that the doctrine of military tenure began in his reign, and that it was put into a systematic shape, and carried out to its logical consequences, in the reign of his son. The Norman kings ruled in a twofold character; they were all that their English predecessors had been, and something more. The Norman king was the chief of the state; he was also the personal lord of every man in his kingdom. In the one character, he could call out the military force of the state; in the other, he could call on his tenants for the military service due from their lands. As chief of the state, he levied the ancient taxes due to the state; as lord he levied the new-fangled profits which, according to the new-fangled ideas, were due to the lord from his tenants. In short, William brought in that side of feudal doctrine which helped to strengthen the crown, and kept out that side which helped to weaken it. The doctrine that a man was bound to follow his immediate lord had destroyed the royal power in other lands. William, by making himself the immediate lord of all his subjects, turned that doctrine into the strongest support of his crown.

Power of the Norman kings.

This union of two sources of power in the Norman kings made their rule practically despotic. But their very despotism preserved English freedom. They had no temptation to uproot institutions which they found means to turn into instruments of their power. They had no temptation to abolish the national assemblies, in which they found little check on their will, and in which they both displayed their power and practically exercised it. The coming of William practically changed the character of those assemblies; it gradually gave them a new constitution and a new name.

No break in the constitution.

But there was no sweeping away, no sudden revolution; all was done gradually and by force of circumstances at particular times. Thus the forms of a free constitution went on; there is no break between the earliest national assemblies and the latest. At some points of our history, the freedom of England seems sometimes to slumber; but it never died. The seeming slumber under Norman despotism led to the awakening of the thirteenth century. The seeming slumber under Tudor despotism led to the awakening of the seventeenth.

Their twofold position.

The king was thus in possession of two sources of power, of two sources of revenue. One source came by inheritance from his English predecessors; another came from the circumstances of William's conquest. He was both king and lord of all men within his realm. To the English he was in the first place king; to the Normans he was in the first place lord. Each race had need of him, and the Norman kings knew how to play off each race against the other. In the first days of the Conquest, the king, if he was not the friend of his English subjects, was at least not their worst enemy. His power was some protection against local oppressors. Both William Rufus and Henry I. were raised to the throne by the English in the teeth of Norman opposition. Gradually, as the two races drew together, as in a word the Normans became Englishmen, neither race needed the support of the king against the other, while both alike felt the heavy yoke of his dominion. Instead of the English people siding with the king against the Norman barons, the Norman barons, changed into Englishmen, now became the leaders of the English people against the king.

The greatest effect of the Norman Conquest is really to be looked for, not in any sudden changes, least of all in any great and immediate legislative changes, but in a complete, though gradual, change of the administrative system, and in such changes of the law as followed upon those changes in the administration. And even the administrative changes seldom took the form of the utter abolition of anything old. They too rather took the form, sometimes of setting up something new by the side of the old, sometimes only of increasing the importance of one old institution at the expense of another. Thus the national assemblies themselves changed their character, and a variety

Effects of the practice of summons.

of institutions were developed out of the national assemblies, by no cause so much as by the growth of the practice of summons. Wherever it becomes usual specially to summon particular members of an assembly, the first step is taken towards the exclusion of all who are not so specially summoned. In the great assembly at Salisbury, where all the landowners of England became the "men" of the king, we see the first germs of Lords and Commons. The Witan are distinguished from the "land-sitting men." By the Witan, so called long after the Conquest, we are doubtless to understand those great men of the realm who were usually summoned to every assembly. The vast multitude who came to do their homage to the king were summoned only for that particular occasion. The personal right of summons is the essence of the peerage. It is the distinctive mark round which all the other honours and privileges of the peer have grown. The earls and the bishops of England, by never losing their right to the personal summons, have kept that right to personal attendance in the national assembly which was once common to all freemen, but which other freemen have lost. The House of Lords represents by unbroken succession the Witan of the assembly of Salisbury; that is, it represents by unbroken succession the old assemblies of the Teutonic democracy. Never did any institution so utterly change its character. But the change has been the gradual result of circumstances, without any violent break. The "land-sitting men," on the other hand, not summoned personally or regularly, but summoned in a mass when their attendance was specially needed, gradually lost the right of personal attendance, till in the end they gained instead the more practical right of appearing by their representatives. Thus grew the Commons. The steps by which our national assemblies took their final shape do not begin till a later time. But it is important to notice that the first glimpse of something like Lords and Commons—a distinction which doubtless already existed in practice, but which is nowhere before put into a formal shape—dates from the last years of the Conqueror.

The practice of summons thus gave birth to our final parliamentary constitution. It gave birth also to a vast number of administrative and judicial institutions, of which we see traces before the Conquest, but which put on their definite shape under the Norman kings. The practice of summons produced the House of Lords. It produced also the *curia regis*, the King's Court, out of which so many institutions grew. The King's Court is properly the national assembly itself; but the name gradually came to be confined to a kind of judicial and administrative committee of the assembly. Even before the Norman Conquest, we get a faint glimpse of a body of the king's immediate counsellors, bearing the name of the *Theningmannagemót*. Out of this body, to which was gradually attached the name of *curia regis*, grew, on the one side the Privy Council, and out of that the modern Cabinet, and on the other side the courts of law. The Cabinet, our most modern political institution, an institution so modern as to be unknown to the written law, is the last growth of the principle of summons. The Cabinet, the body to which in common use we have latterly come to give the name of *Government*, is simply a body of those privy councillors who are specially summoned. Those who are not summoned stay away. All the king's courts, administrative and judicial, grew in the same way. They were committees of the national assembly, which gradually grew into separate being and separate powers, as the legislative, executive, and judicial branches of government parted off more distinctly from one another.

Along with the practice of summons grew the importance of those who were most specially and habitually summoned, the great officers of the king's court and household. Soon after the Conquest these officers began to rise into an importance which they had never held before. They may be divided into officers of state and officers of the household.

The great officers.

The notion that offices in the royal household were honourable is part of the general doctrine of the *comitatus* and its personal service, the doctrine out of which grew the nobility of the thegns. Some of these offices were simply old offices with new names. The *staller* became the *constable*, the *bower-thegn* became the *chamberlain*, the *steward* kept his English name. Some of these posts became hereditary and almost honorary. In some cases, as in that of the chamberlain and the steward, a secondary office of the same name grew up. Of greater importance and interest are those officers into whose hands came the chief powers of government under the king. Nothing is so important under the Norman reigns as the exchequer. But the exchequer is simply an old institution with a new name, and the treasurer is simply an old officer with a new name. The king's *hoard* or treasury must always have had a keeper; but the *hoarder*, under the Latin name of *treasurer*, grew into increased importance in times when the main object of government seemed to be to fill the king's hoard. The hoard or treasury got the playful name of exchequer,[1] and it grew into two departments of state, administrative and judicial. The treasurer himself grew into an officer of such power and dignity that, for a long time past, his office has been put into commission among several holders. And of these the chief has drawn in late years to himself more than the power, though without the dignity, of the old single-headed treasurer. The chancellor again is found by that title under Eadward the Confessor, and his office must have existed under some title as early as there was any settled government at all. But it is under the Norman kings that he gradually grew to great importance and dignity, an importance and dignity which have been more lasting in his case than in the case of any other of the great officials of those days. But the greatest dignitary of the Norman reigns, the justiciar, really seems to have been wholly new. The name is first given to the regents who represented William in his absence from England; and the office may well have grown up through the need which was felt for some such representative when the king visited his dominions beyond sea. The justiciar appears as the first in rank among the great officers of state; but while the chancellorship, remaining a single office, grew, the office of the justiciar was gradually divided among many holders. Among them all those, great and small, who administer justice in the king's name may claim to have a share.

The judicial system.

The modern judicial system of England begins, in something like its present shape, in the reign of Henry II. But its growth is one of the direct results of the Norman Conquest. The older judicial system is essentially local and popular. The men of the township, of the hundred, of the shire, come together under their local chiefs. The highest judicial body of all, as well as the highest legislative body of all, the assembly of the nation, comes together under the chief of the nation, the king. At least as early as the reign of Æthelred we find examples of royal commissioners, like the *missi* of the Frankish emperors and kings, who are sent on the king's errand to the local courts. After the Conquest this system grows, till in the end the local chiefs, the earl and the bishop, are wholly displaced by the king's judges. Thus grew up the lawyers' doctrine that the king is the fountain of justice. But the popular element survived in the various forms of the jury. It is idle to debate about the invention or introduction of trial by jury. The truth is that it never

[1] The older names are *fiscus* and *thesaurus*. *Scaccarium* or *exchequer* was the established name by the time of Henry II. It comes from the parti-coloured cloth with which the table was covered, which suggested the notion of a chess-board.