

Origin of the jury, institutions, it emphatically grew. Its germ may be seen in all those cases, compurgation or any other, where a matter is decided by the oaths of men taken from the community at large. The Conquest caused a step in advance by the more constant employment of recognitions taken on oath. Under Henry II. the practice was still further strengthened; but it was not till long after his day that the modern idea of the jury was established, as no longer witnesses but judges of facts. When their judicial character was fully established, that is, when in the reign of Charles II. they ceased to be called to account for their verdicts, the old popular character of the courts in a great measure came back to them.

In this way justice became more centralized in England than anywhere else. All the weightier causes came to be tried either in the king's own courts or by judges immediately commissioned by him. The local chiefs gave way to the king's representatives. One local officer indeed grew into increased activity. This was the officer who in each shire had always been specially the king's officer, the *shire-reeve* or *sheriff*, who looked after the interests of the king, while the *ealdorman* or earl represented the separate being of the shire. Under William, earls ceased to be appointed, save where they had distinct military duties. Under his successors earldoms gradually sank into merely honorary dignities. But the sheriff was in the Norman reigns the busiest of all officers; for he had to collect and bring in all that was due to the royal exchequer from the endless sources of income by which it was fed.

The main political result of the Norman Conquest was to strengthen every tendency that was already in being—and such tendencies have been powerfully at work ever since the beginning of the growth of the thegnhood—by which the king, his authority, his officers, took the place of the nation and its authority. But the older system was undermined rather than overthrown, and the course of our history has, to a great extent, given us back the old institutions under other shapes. Thus, for instance, there was a strong tendency at work to turn the *folkland*, the land of the nation, into the land of the king. To this process the Conquest gave the finishing touch. The stroke by which the whole lay soil of England was held to be forfeited to the Conqueror turned all *folkland* into *terra regis*. From Domesday onward the *folkland* vanishes; but now that the crown lands are placed under the control of parliament, as part of the national revenue, the *terra regis* has practically become *folkland* again. And while the king, the highest lord, was thus encroaching on the nation, that is, on the community which took in all others, smaller lords were doing the like to the lesser communities which made up the nation. Under the older system all grants of *sac* and *soc*, that is, all grants to a particular person of any special jurisdiction exempt from the ordinary local courts, were in their own nature exceptional. As the new ideas grew, the *manor*, as it was called by the Normans, finally supplanted the *township*. Lawyers gradually found out that the exceptional novelty was the original state of things. Just as they ruled the king to be the fountain of justice, because he had gradually taken the administration of justice into his own hands, so they ruled that, wherever any rights of the community had escaped the grasp of the lord, their existence must necessarily be owing to an unrecorded grant of the lord. The ancient court of the people, the *court baron*, was held to be the court of the lord. Here again the evil has cured itself. The lord and his court have become harmless; but they remain as curious examples of the way in which lawyers have read the history of England backwards.

Both as regarded the greater lord and the lesser, the

tendency of the ideas which the Norman Conquest strongly confirmed was to put the notion of property before the notion of office. Kingship, the highest office in the commonwealth, came to be looked on mainly as a possession. The king of the people has now put on the character of the lord of the land; his title gradually changes into a form which better expresses this new position. The *King of the English* gradually changes into the *King of England*. William himself is still almost always *Rex Anglorum*. But the new territorial title now begins to creep into use, and from the beginning of the thirteenth century it altogether displaces the older style. But the new ideas did much more than merely change the royal style. As soon as office had changed into property, as soon as the chief of the people had changed into the lord of the land, the old rule that the king should be chosen out of the one kingly house began to stiffen into the doctrine of strict hereditary right. The general results of the Conquest were all in favour of that doctrine; but the circumstances of the reigns which immediately followed the Conquest all told the other way, and helped to keep up the elective character of the crown for some time longer. The ancient doctrine died out very slowly, but it did die out in the end. And then lawyers found out that the crown had been hereditary from the beginning, and ruled that the king never died, and that the throne never could be vacant. On the other hand, as office was turned into property, so property in land was turned into office, and carried with it much of the likeness of a miniature sovereignty. The doctrine of primogeniture also now naturally supplanted the old principle of division of lands. No doctrine could be more opposite to the old doctrine of nobility than the doctrine which gave everything to a single son in the family. In this way primogeniture has its good side. It gave us a peerage; but, in giving us a peerage, it saved us from a noblesse.

The immediate ecclesiastical effects of the Norman Conquest, those which in truth formed part of the process of conquest, have been already spoken of. But the introduction of foreign prelates, and the closer relations with Rome, worked in many ways. The foreign bishop naturally stood at a greater distance from the native clergy than his English predecessor had done. Moreover, the new theories as to the tenure of land turned the bishop into a baron, holding as a tenant-in-chief of the crown. The bishop became in his own diocese more of a lord and less of a father, while he was often kept away from his diocese by holding high temporal office. It gives a false view of the case to say that the prelates grasped at high temporal office: the case rather is that, in a time when education was chiefly confined to the clergy, public business was mainly in the hands of the king's clerks, and that they received bishoprics as the reward of their temporal services. Under such bishops the Church was secularized and feudalized. Ecclesiastical livings were looked on less as offices with an endowment for the maintenance of the holder than as *benefices* charged with certain duties which might be discharged by deputy. The relation of the parish priest to his bishop put on the likeness of the relation between a man and his lord. At the same time, the rage for founding monasteries, which was at its height in Normandy at the time of the Conquest, came into England with the Normans, and in the next century drew a fresh impulse from the foundation of the Cistercian order. The love of exemptions of all kinds led to a constant striving on the part of ecclesiastical bodies to be exempted from the ordinary ecclesiastical jurisdiction. This is shown, not only by separate monasteries, but even by the cathedral chapters, especially where the place of the chapter was filled by a monastic body. And one immediate result of the Conquest was the transfer of the seats of several bishoprics from smaller towns to greater. This was

New ideas of kingship; property rather than office.

Primogeniture.

Ecclesiastical results of the Conquest.

Change in the position of bishops.

in accordance with the continental notion of a bishop, by which he was looked on as primarily bishop of a city, while in English ideas he was rather the bishop, first of a tribe, and then of a district. But this very change, one made by the Norman bishops themselves, may well have helped to bring about that separation between the bishop and his church which dates from this time. The bishop who had become a feudal lord, even when he was not altogether away from his diocese on the king's service, commonly fixed his dwelling-place in his rural castle rather than in his palace in the city.

The social results of the Conquest were such as naturally followed on the general transfer of the greatest estates and highest offices of the country. The Conquest itself, the military occupation of William, was followed by a peaceful immigration of Normans and other strangers into England, especially into the merchant towns. London, above all, received a crowd of citizens of Norman birth. That these men, and the Norman settlers generally, turned into Englishmen in a wonderfully short time is one of the great features of our history. The causes are easy to see: with most men, if there be no special reason to the contrary, place of birth goes for more than descent by blood, and the stranger is gradually assimilated by the people among whom he dwells. And in the case of Normans and English, we can hardly doubt that original kindred went for something. The Norman was simply a Dane who had adopted the French tongue and some French fashions; he was easily won back into the Teutonic fold. But the circumstances of William's conquest, his pretended legal claim to the crown and the whole system of legal fictions which grew round that claim, helped largely to bring all classes of his subjects together. The Norman settled in England was driven to become in some sort an Englishman. He held his estates of the King of the English, according to English law. The fusion of the two races was so speedy that a writer little more than a hundred years after the Conquest, the author of the famous *Dialogus de Scaccario*, could say that, among the free population, it was impossible to tell who was of Norman and who was of English birth. That is to say, the great nobles must still have been all but purely Norman; the lowest classes must have been all but purely English. In the intermediate classes, among the townsmen and the smaller landowners, the two races were so intermixed, and they had so modified one another, that the distinction between them had been forgotten. We might say that the effect of the Norman Conquest was to thrust every class, save one, of the older English society a step downwards. The churl, the simple freeman, had been gradually sinking for a long time before the Conquest. In the course of the century after the Conquest, he finally sank into the villain. On the other hand, if the churl gradually sank to the state of villainage, the slave gradually rose to it. The Norman Conquest, while thrusting down every other class, undoubtedly helped to raise the most wretched and helpless class of all.

But while the Normans who settled in England changed into Englishmen with remarkable speed, they of course, by the very fact of their fusion, did much to modify the character of Englishmen. A way was now opened for all that class of ideas which, for want of better names, may be called feudal and chivalrous. Chivalry is rather French than Norman; and its development comes rather under the Angevin than under the Norman kings. Still, so far as Normandy was influenced by France, so far as the Norman Conquest opened a way for French influence, and, we may add, French kings, in England, so far this whole class of ideas and feelings may be set down as results of the Norman Conquest. But in England chivalry never was really dominant. Teutonic notions of right and

common sense were never wholly driven out. For the man unassisted by birth to rise was harder in some ages than in others. There was no age in England when it was wholly impossible.

The greatest of the outward changes which were caused by the Norman Conquest was its effect on the language and literature of England. In the matter of language, as in other matters, the Conquest itself wrought no formal change. Whatever change happened was the gradual result of the state of things which the Conquest brought about. French was never substituted for English by any formal act. Documents were written in English long after the Conquest; and, though the use of English gradually dies out in the twelfth century, it dies out, not in favour of French, but in favour of Latin. French documents are not found till the thirteenth century; they are not common till the latter part of that century. As it was with institutions, so it was with language. The old language was neither proscribed nor forgotten, but a new language came in by the side of it. William himself tried to learn English; his son Henry, if no other in his family, understood English, and seems even to have written it. Henry II. understood it, but seemingly did not speak it. By the end of the twelfth century, English seems to have been the most usual tongue among people of all classes. It was the language of common speech and of purely popular writings; French was the more polite and fashionable language, the language of elegant literature; Latin was the language of learning. Every educated man in the latter part of the twelfth century must have been familiar with all three.

A foreign language was thus brought into England along-Changes side of the native language, and it displaced the native in the language for certain purposes. Such a state of things could English language not fail to have a great effect on the English language itself. That effect largely took the usual form of strengthening tendencies which were already at work. The two changes which took place were the loss of the old Loss of inflexions, and the infusion of foreign words into the vocabulary. Neither of these processes began with the Conquest; the Conquest simply strengthened and quickened them. The other Low-Dutch and Scandinavian tongues, which were brought under no such influences as English was by the Conquest, have lost their inflexions quite as thoroughly as English has. Even the High-Dutch, which keeps a comparatively large stock of inflexions, has lost a large part of the forms which were once common to High and Low. We may be sure then that we should have lost our inflexions, or most of them, even if the Normans had not come. Indeed, in one form of English, the dialect of the North, the inflexions had largely given way already, chiefly, it would seem, through the influence of the Danes. But when English lost its place as a polite and literary speech, when, though spoken by all classes, it was written only for the lower classes, there was no longer any fixed literary standard; the grammatical forms therefore became confused and inaccurate. We see the change at once in those parts of the Chronicles which were written in the twelfth century. On the other hand, the English tongue had taken in a few foreign words from the first coming of the English into Britain. The Roman missionaries brought in another stock. The Normans brought in a third. But the third stock, like the second, consisted for a while mainly of words which were more or less technical; they were new names for new things. Through the twelfth century the two languages stood side by side, without either borrowing much from the other. It was not till the thirteenth century that French words came in to any great extent to express things for which the English tongue had names already. Thus the English tongue gradually put on its later cha-

Changes in social relations.

racter. It remained Teutonic in its essence, Teutonic in its grammatical forms. But it lost its inflexions, more thoroughly than some kindred tongues, not more thoroughly than some others. It also received a vast infusion of Romance words into its vocabulary, an infusion far greater in degree, but exactly the same in kind, as the Teutonic infusion into the vocabulary of the Romance Languages, especially into French.

In literature, as distinguished from language, and also in art, the Norman Conquest is one of the most strongly marked epochs in our history. The breaking down of the barrier between the insular and the continental world did much for both. Learning had gone down again in England through the Danish invasions; and Eadward the Confessor, with all his fondness for foreigners, did little for foreign scholars. Under William and his son Henry things altogether changed. The first two occupants of the see of Canterbury after the Conquest were the two greatest scholars of their day. Both of them were strangers in Normandy no less than in England: Lanfranc came from Lombard Pavia, Anselm from Burgundian Aosta. After them England herself produced a goodly crop of scholars among her children of both races. While the Chronicle was still writing in our own tongue, a crowd of learned pens recorded English history in Latin. Florence of Worcester told the unvarnished tale of the early Norman reigns in a chronicle which is English in all but language. Henry of Huntingdon preserved to us large fragments of our ancient songs in a Latin dress. William of Malmesbury aspired to the character of a critical historian, a character still more nearly reached somewhat later by William of Newburgh. The statesmen historians of Henry II.'s day follow, and lead us on to the monastic historians of the thirteenth century. Yet, after all, one would gladly exchange much of the light which they give us for a continuation of the English Chronicle in the English tongue.

Change in proper names.

One form of influence on language was the almost complete exchange of the Old-English proper names for a new set of names which came over with the Conqueror. The strictly Norman proper names, those which the Normans either brought with them from the North or had borrowed from the Franks, are as truly Teutonic as the English names; a few names only were common to both countries. But, just at the time of the Conquest, the Normans were beginning to adopt scriptural and saintly names, which were all but unknown in England. With the Conquest a new fashion set in, and the names, whether Teutonic or saintly, which were in Norman use gradually displaced the ancient English names. A few specially royal and saintly names, like Eadward and Eadmund, alone survived. Throughout the twelfth century we constantly find the father bearing an English name, while the son has one of the new fashion. This point is of importance. It at once marks and hides the fusion of races. It helps us to see that many a man who was to all outward appearance a stranger was in truth of genuine English descent.

Along with the change in personal names came in the use of hereditary surnames. Surnames, in the sense of mere personal descriptions or nicknames, were already common both in England and in Normandy. But the hereditary surname, the name of the family handed on from father to son, was at the time of the Conquest unknown in England, and it was only just coming into use in Normandy. The Normans brought the fashion into England, and the circumstances of the Conquest gave it a fresh impulse. While many of the Norman settlers brought with them the surnames which they had already taken from their estates or birth-places in Normandy, a crowd of men of both races now took surnames from their estates and birth-places in England. The fashion to some extent affected local nomen-

clature also. On the whole, the Norman Conquest made but little change in this way. Few places, if any, lost their names. But some towns, castles, and monasteries of Norman foundation received French names; and a crowd of English towns and villages did, as it were, take Norman surnames, by taking the name of a Norman lord to distinguish them from other places of the same name.

In those days art is almost synonymous with architecture, and the changes in that art which were wrought by the Norman Conquest were great indeed. There was then but little room for great displays of artistic architecture anywhere but in churches. But in this, as in all periods of genuine art, the style used for buildings of all classes was the same. Up to the eleventh century all Western Europe had built in one style, in that older form of the Romanesque or round-arched architecture which came direct from Italy and was known as the *mos Romanus*. Its most striking feature is the tall, slender bell-towers which in England are a sign of work not later than the eleventh century, while in Germany they go on through the twelfth, and in Italy they never went out of use at all. In the course of the eleventh century several parts of Europe struck out new styles of their own, which still keep the round arch, and which are therefore properly classed as later varieties of the Romanesque type. One of these arose in Normandy, and was, among other Norman fashions, brought into England by Eadward in the building of his new church at Westminster. After the Conquest the Norman style naturally became the prevailing fashion. One part of that fashion was the building of churches on a gigantic scale, such as had never before been seen in England. This fashion led the Norman bishops and abbots to pull down and rebuild most of the minsters of England. The earliest Norman style was an advance on the Primitive Romanesque in proportion and in vigour of style, casting off the mere imitation of Roman models which had lingered for so many ages. But in mere amount of ornament it was certainly no advance. The enriched Norman style comes in later. However, from the reign of William, one might perhaps say from the reign of Eadward, the older style gave way to the new. The Primitive models were now followed only in smaller and less important churches, where the use of the slender bell-towers lasted longer than any other feature. Yet the Norman style, in supplanting the earlier English fashion, was in some measure influenced by it. The Norman churches of England have some distinctly English features of which there is no sign in those of Normandy.

We are told that great improvements in domestic architecture were brought in by the Normans; but, when we see the few Norman houses that are left to us, we may be inclined to think that the chief change was the freer application of stone to domestic work. It was only in houses of the very highest class, as in kings' palaces, that there was room for any great display of art. Such buildings allowed of the great hall, with rows of columns and arches, like those of a church. For municipal architecture there was as yet no room in our island. But military architecture took one of its greatest steps in this age. Fortification had advanced in England from the hedge or palisade which Ida built at Bamburgh to the wall of squared stones with which Æthelstan had surrounded Exeter. But the Norman castle, name and thing, was brought in as something new in the days of Eadward, and the land was covered with them in the days of William. The massive square tower, of which the Conqueror's Tower of London is the greatest example, is one type. The shell-keep, the polygonal wall raised most commonly on a mound of English work, is another type. In the days of our forefathers the castle was the very embodiment of wrong and oppression. The Chronicle never speaks of castle-building without some epithet of horrors.

The Norman style

Changes in warfare.

One result of these changes in the art of fortification was largely to change the character of the warfare as well as the tactics of the age immediately following the Conquest. The older warfare of England is a warfare of pitched battles. Such is the warfare of Ælfred; such is the warfare of Brihtnoth and Ulfcytel and Eadmund Ironside. But the warfare of the twelfth century is mainly a warfare of sieges. The taking of towns and castles is endless; but between Senlac and the wars of the thirteenth century we hardly meet with more than two great battles in the open field, those of Tinchebrai and the Standard.

The changes in the character of warfare were accompanied by a more general change in the art of war. An ancient English army fought on foot; the horse was used only to carry the warrior to the field. When the time for action came, the king or ealdorman and all his following dismounted. The old national weapon was the sword, which under Cnut was exchanged for the heavy Danish axe. The English armies of the eleventh century consisted of two classes, both footmen. The housecarls, the paid force, and the thegns and other personal followers of the king, wore coats of mail and carried shields, which could be made into a kind of fortification called the shield-wall. They hurled javelins at the beginning of the fight, and came to close conflict with the axe. The irregular levies of the shires came armed with axes, javelins, clubs, or any other weapons that they could bring. But there was no cavalry, and there were but few archers. In the Norman system of warfare, cavalry and archers are the chief arms. The mailed knights charge on horseback with long lances raised high in the air; they use the sword, and sometimes the iron mace, for close combat. The infantry are mainly archers; the mounted archer is rare. With the Conquest the Norman tactics naturally displaced the English. The Englishman grasped the weapon of his conqueror, and the fame of the English archers began. Yet the Norman manner of fighting was itself to some extent influenced by English practice. The English archer, though he had changed his weapon, was really the true heir of the English axeman. In the fourteenth century, as in the eleventh, the main strength of an English army lay in its infantry. And, earlier than this, the old traditions of English warfare were sometimes followed by the Normans themselves. More than once in wars of the twelfth century we find kings and nobles getting down from their horses and fighting on foot, axe in hand, like Cnut or Harold.

Summary.

We can now sum up the main results of the Norman Conquest. We can be hardly wrong in calling it the most important event in English history since the first coming of the English and their conversion to Christianity. It was a great and a violent change, a change which, either in its immediate or in its more distant results, touched everything in the land. Yet there was no break, no gap, parting the times before it from the times after it. The changes which it wrought were to a great extent only the strengthening of tendencies which were already at work. The direct changes which we may look upon as forming the Conquest itself, as distinguished from its more distant results, were done at once gradually and under cover of legal form. No old institutions were uprooted, though some of them were undermined by new institutions set up alongside of them. The revolution which seemed to be the overthrow of English freedom led in the end to its new birth. Under an unbroken succession of native kings, freedom might have died out step by step, as it did in some other lands. As it was, the main effect of the Conquest was to call out the ancient English spirit in a more definite and antagonistic shape, to give the English nation new leaders in the conquerors who were gradually changed into country-

men, and, by the union of the men of both races, to win back the substance of the old institutions under new forms.

Under the sons of the Conqueror England appears for the first time in her new European character. Looking at her simply as a power, without regard to the nationality of her inhabitants, she now appears as an insular power making conquests on continental ground. William Rufus, placed on the throne by the English people in opposition to a Norman revolt, broke all his promises of good government, and ruled as one of the worst tyrants in our history. But it would be hard to show that he was an oppressor of Englishmen as Englishmen. His rule was rather a tyranny which pressed on all classes and all races, though the native English would doubtless be the class which felt it most bitterly. Godless and vicious beyond all parallel before or after, he was still a captain and a statesman, and no king better knew how to make use of every art to advance the power of his kingdom. He won a large part of Normandy by force of arms; and, when his brother Robert set forth on the crusade, he obtained the whole duchy under cover of a mortgage. Maine revolted and was won back; a purchase of Aquitaine was negotiated; Rufus was believed to have designs on the crown of France itself. A short war was waged between Rufus and Philip of France, a war which now begins to put on the character of a war between England and France, rather than that of a mere war between the duke of the Normans and his overlord at Paris. The wealth and strength of England now for the first time directly told in continental affairs. But the schemes of the Red King were cut short by the stroke of an arrow in the New Forest (2d August 1100). By an agreement between William and Robert, if either died childless, his brother was to succeed to his dominions. But at the death of Rufus, Robert was far away on the crusade, and the English nation had never paid much heed to any attempts to settle the succession of the crown before a vacancy. Henry, the youngest son of the Conqueror, the only one of his sons who was the son of a crowned king and born on English ground, was unanimously chosen and speedily crowned. An Englishman by birth, if not by descent, he further married a wife who had some English blood in her veins, and who, in the eyes of his subjects, passed for an Englishwoman. This was Edith, the daughter of Malcolm of Scotland, who at her marriage took the Norman name of Matilda. The English king and the English queen were mocked at by the Norman courtiers, who again conspired to bring in the Norman duke. Again a son of the Conqueror owed his crown to English loyalty. A second Norman invasion of England followed. Robert landed at Portsmouth, as his father had landed at Pevensey, but the policy of Henry found means to send him and his host away without fighting (1101). One of the usual agreements was made, an agreement which had little chance of being kept, by which again each brother was to succeed to the dominions of the other in case of the failure of direct heirs. But Robert was incapable of ruling his own dominions; a party in Normandy invited the King of the English to save the duchy from anarchy. Two campaigns, ending in the great fight of Tinchebrai (1106), brought Normandy into the hands of Henry. Men at the time looked on the day of Tinchebrai as the reversal of the day of Senlac. Normandy was conquered by England, as England had before been conquered by Normandy. Such a view put forth only one side of the case; but from one side it was true.

During the rest of Henry's reign there was perfect peace in England; but nearly the whole time was filled with continental wars. The warfare between France and

Wars
with
France

England, of which there had been only a glimpse in the days of Rufus, now began in earnest. It is true that the wars of Henry were waged wholly for Norman and not at all for English interests, and Englishmen at home bitterly complained of the taxes which were wrung from them for wars beyond sea. But it is none the less true that, in their European aspect, they were English wars, and that they tended to give the England of Henry a wholly different position from the England of the days before the Conquest. The later years of Henry were chiefly occupied in schemes of dynastic policy on the continent. His only legitimate son, the Ætheling William, to whom homage as his successor had been done both in Normandy and in England, was drowned in 1120. The king's daughter Matilda had been married to the emperor Henry V. Strict alliance with Germany formed part of Henry's policy, as it had formed part of the policy of Godwine and Harold; and the two Henries, emperor and king, joined in warfare against Lewis of France. On the death of the emperor, Matilda returned to England, and, by an act without precedent either in his kingdom or in his duchy, Henry procured that homage should be done to his daughter as his successor. No more striking comment can be needed as to the growth of the new ideas of kingship. The crown was beginning to be so thoroughly looked on as a possession that it was deemed that it might pass to a woman. On the other hand, no settlement could be more opposed to modern notions of hereditary right. When homage was first done to Matilda, Robert's son William, who, according to modern notions, was the direct heir of the Conqueror, was still living. In Normandy indeed he was his uncle's enemy, and in England his claims seem never to have been heard of. But, in the lack of legitimate male heirs, the choice either of the king's natural son Robert or of his sister's son Stephen would have been much less opposed to earlier ideas, both English and Norman, than the succession of Matilda. The imperial widow was presently married to Geoffrey of Anjou, a marriage clearly designed with a view to the enlargement of the continental dominions of her father's house.

Election
of
Stephen.

King Henry died in 1135, leaving, as he deemed, the succession to his daughter and her young son Henry. As usual, an arrangement made before the vacancy was set aside, and the choice of England fell on Stephen. The case of the new king's election was not unlike the older and more famous case of the election of Harold. In itself it was perfectly good. Against it stood the fact that Stephen had, with the rest of the chief men, sworn to the succession of Matilda. Stephen then was a perjurer as regarded his own soul; he was no usurper as regarded the nation. He was accepted without opposition, and King Henry's son Robert did homage to him with the rest. But Stephen, a man of many winning personal qualities, was utterly unable to reign in those times. Rebellions broke out; Earl Robert asserted the rights of his sister in England, and Normandy was conquered by her husband Geoffrey. The empress landed in England (1139); she was chosen Lady (1141)—the name Queen was not used; but she was never crowned. A civil war, a time of utter anarchy and havoc raged, till (1153) another agreement of the usual kind was made between Stephen and Matilda's son Henry, now duke of the Normans. He had been brought over to England as a child; he had taken his share in the wars; and it was now agreed that Stephen should keep the crown for life, and that Henry should succeed him. This time the agreement took effect. When Stephen died in the next year, Henry succeeded without opposition. Again a duke of the Normans succeeded to the crown of England; but Henry of Anjou, by birth-place Henry of Le Mans, was far more than duke of the Normans and king of the English. To the

lands of his mother's father he added the lands of his father, Anjou, Maine, and Touraine; and a politic marriage gave him a greater dominion still. The designs of William Rufus upon the duchy of Aquitaine came to pass in another way. The great dominion of Southern Gaul, Poitou, Aquitaine, and Gascony, had passed to Eleanor the daughter of their last duke. She married Lewis, the heir of the crown of France, who almost immediately succeeded to the kingdom (1137). For a moment France and Aquitaine, Northern and Southern Gaul, the land of *oil* and the land of *oc*, were joined together. It might seem that a kingdom of France, in the modern sense, was about to begin. But the northern king and the southern duchess did not agree. A canonical objection to the marriage was conveniently found, and it was accordingly annulled. The divorced queen at once married the young duke of the Normans (1152). Her dominions came with her, and the prince who now succeeded to the crown of England already held the greatest power in Gaul, a power far greater than that of his nominal lord at Paris. With that dominion he won the undying hatred of the lord whose wife with her splendid heritage had passed to him. The king of Paris was not yet to be master of Southern Gaul. He was to be again shut up in his inland dominion, while his mighty vassal held the mouths of the great rivers and the fairest cities of the land. As England under Chut might seem to have become part of a Scandinavian empire, so under Henry she might seem to have become part of a Gaulish empire. The strictly Norman period of the English history comes to an end. Normandy and England have alike become parts of the dominions of a king who by female descent might be called either Norman or English, but who, both by birth and by general character, was neither Norman nor English. In ruling over a vast number of distinct states, widely differing in blood, language, and everything else, ruling over all without exclusively belonging to any, Henry II, king, duke, and count of all the lands from the Pyrenees to the Scottish border, was the forerunner of the emperor Charles V.

Plate IV

European
position
of Henry.Fusion of
Normans
and
English.

It was during the reigns of the two sons and the grand-son of the Conqueror that the chief steps were taken towards the fusion of English and Normans into one people, or rather towards the change of Normans into Englishmen. At the accession of Rufus the distinction was in full force; at the accession of Henry I it is clearly visible. In the course of Henry's reign it so far died out that, though it was doubtless not forgotten, it was no longer marked by outward distinction. The name of Englishman now takes in all natives of England, of whatever descent. A tale of a general conspiracy to kill all the Normans soon after the accession of Stephen proves, when it is examined, to mean, just as in the case of the massacre of St Brice, not a design to slay every man of Norman descent in England, but merely a design to slay a particular body of Norman mercenary soldiers.¹ Everything during these reigns tended to draw the two races more nearly together; nothing tended to keep them apart. The brutal tyranny of Rufus wronged both races alike; yet men of native English descent could rise even under him.² The cold despotism of Henry at once benefited and offended both races alike. At one time of his reign we meet with a complaint that he would admit no Englishman to high office. When the complaint is tested,

¹ See *History of the Norman Conquest*, vol. v. p. 281.

² The career of the crusader Robert the son of Godwine, whose history will be found in William of Malmesbury and in the Scottish writer John Fordun, who represents Turgot, is a case in point. So at the accession of Henry I there were several Englishmen holding abbacies, one of whom, Godric of Peterborough, had been chosen by the monks, who paid William Rufus a large sum for leave to elect freely.

it is found that the exclusion extended to natives of England of both races, that the preference was a preference for absolute foreigners as such. The horrors of the anarchy in Stephen's day fell on both races alike; the foreign mercenaries who laid waste the land were hateful to both alike. We may safely say that, at the time of the accession of Henry of Anjou, the man of Norman descent born in England had, altogether in feeling and largely in speech, become an Englishman.

None of these three reigns was a time of great legislative changes, but the reigns of Rufus and Henry were the time in which the new system of administration grew up. Under Rufus the doctrine of military tenures, and of the incidents consequent on such tenures, was put into systematic shape by his rapacious minister Randolph Flambard, whom he raised to the bishopric of Durham. This man is distinctly charged with having first subjected ecclesiastical property to these burthens, and there can be little doubt that it was he who laid them on lay property also. The evidence is this. Under the Conqueror we see the germs and beginnings of certain usages, but nothing more. At the accession of Henry they appear in a systematic shape as established usages, usages which Henry does not promise to abolish, though he does promise to reform the abuses of them. The feudal burthens were a logical deduction from the doctrine of military tenure. The land is held of the lord on condition of certain services being rendered. It passes from father to son; but in order that each successive tenant may strictly hold it as a grant from the lord, the heir must receive it again. For the new grant he must pay a *relief*, the price of the *relevatio*, the taking up again, of the estate which has lapsed to the lord. But it may be that the heir is from age or sex incompetent to discharge the services due to the lord. In the case of the minor heir, the lord takes the *fief* into his own hands till the heir is of age to discharge them. The heiress can never discharge them in person, she must discharge them through a husband. But the interests of the lord require that she shall marry only with his approval, lest she should carry the *fief* into the hands of an enemy. All these occasions were turned by the perverse ingenuity of Randolph Flambard into means for increasing the royal revenue. The wardship,—that is, the temporary possession of the minor's estate,—might be granted or sold. So might the marriage of the heiress. The lord might either sell her and her estate for money, or else he might take money from the heiress herself for leave to marry according to her own inclinations. So with bishoprics and abbacies; Flambard found out that they too were held of the king by military service. During the vacancy of the benefice, there was no one to discharge the service; the king therefore took temporary possession of the ecclesiastical estate. And, as the new prelate could not be chosen without the royal consent, the king might prolong that temporary possession as long as he chose. All these inferences were logically drawn out and sternly carried into practice by the minister of Rufus. The utmost that Henry pledged himself to do was to reform the grosser oppressions of his brother's reign, and to limit his exactions within some reasonable bounds. The claims themselves went on, to the oppression and sorrow of successive generations of heirs and heiresses, till, as regards lay tenures, the whole system was swept away by the famous Act of Charles II.

The laws
of
Henry

There is nothing to make us think that the innovations of Flambard were ever put forth in a legislative shape. At all events, no laws of William Rufus are extant. A book is extant which calls itself the Laws of Henry; but, like the codes called the law of Eadward and William, it is rather a private compilation or law-book. It has a certain value, as a witness to the state of the law in

Henry I's time; but it must not be mistaken for a collection of real statutes put forth by that king. It is remarkable for the strongly English character of the jurisprudence described. There can be little doubt that the compiler purposely gave his work an English character as he could; but there is as little doubt that Henry strove to give to his government, as far as he could, at least the appearance of an English character. In his charter he grants to his people the law of King Eadward—that is, the system of government which prevailed in Eadward's reign—with his father's amendments. And, both in the charter and in other documents of his reign, the time of King Eadward is constantly taken as the standard. Henry however kept the forests in his own hands, and preserved the stern forest law of his father. The reign of Henry is also memorable as the time of the earliest extant charters, both of the king and of other lords, granting new privileges to boroughs, often calling them into legal existence for the first time. Thus the citizens of London are exempted from various burthens of different kinds, and from the jurisdiction of any but their own courts. They have further the farm of all Middlesex—their subject district—and the appointment of their own sheriff. In the next reign or rather anarchy, the citizens of London appear distinctly as a *communio* or *commune*.

But if this period was not marked by many formal changes in the law, the new administrative system grew stronger and stronger. If the reign of Rufus systematized the military tenures, the reign of Henry systematized the exchequer and the great offices of state. A family of able ministers begins with Roger, chancellor, justiciar, and bishop of Salisbury, a family of the secularized churchmen of that day, most of whom rose from the king's service to high ecclesiastical office. Henry, a strict administrator of justice, looked no less narrowly after his own interests. Under him we get the earliest pipe-roll of the exchequer, and a wonderful document it is, showing how many and how strange were the sources of income which flowed into the board of a Norman king.

These reigns are also of the highest moment in ecclesiastical history. We now see what the ecclesiastical effects of the Conquest really were. As we have seen, the tendency of the time was to make bishoprics the reward of temporal services, a practice which under Rufus easily sank into direct simony. Yet Rufus himself, in a fit of sickness and repentance, put a saint at the head of the English Church. After a vacancy of four years (1089-1093) Anselm succeeded Lanfranc in the see of Canterbury. Anselm was forced into the office, but at this stage he showed no objection whatever to the ancient English mode of investiture, by which the prelate received his staff from the king, and became his man. But, in such a reign as that of Rufus, the tendencies of such a man as Anselm could not fail to be Romewards. Rome might well seem to be the seat of law, as opposed to the *unlaw* of the reigning king. The quarrel began about the acknowledgment of a pope of disputed title, it went on about various matters, till Anselm crossed the sea to confer with Pope Urban. He remained in banishment till the death of Rufus, and learned at Bari and at Rome that the laws of England were evil, that no churchman ought to receive investiture from a lay lord or do homage to a lay lord for the lands of his church. He was recalled by Henry, and served him loyally during Robert's invasion. But he refused to do homage or to consecrate the bishops whom the king had invested. A second absence from England (1103-1106) followed, till a compromise was made between the king and Pope Paschal. The king gave up the claim to invest with the staff; but the prelate was to do homage to the king for his lands. Anselm then came back.

Admini-
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