to the same house as the bishops and earls, while the knights should appear only by their representatives along with the smaller freeholders and the burgesses of the towns. It is in the reign of Richard I. that we begin to see the first faint glimmerings of parliamentary representation. The one object of the absentee king was to screw all the money that he could out of the kingdom for which he cared not. The object of his wise ministers, of Archbishop Hubert among the first, was to gain the greatest amount of money for their master with the least amount of oppression towards the nation. Under Hubert's administration, chosen bodies of knights or other lawful men, acting in characters which become more and more distinctly representative, were summoned for every kind of purpose. How far they were nominated, how far freely elected, is not always clear. It seems most likely that in one stage they were nominated by the sheriff in the county court, while at a later stage they were chosen by the county court itself. In other words, the principle of representation was first established, and then the next stage naturally was that the representatives should be freely chosen. Summoned bodies of knights appear in characters which are the forerunners of grand jurors and of justices of the peace. They appear also in a character which makes them distinctly forerunners of the knights of the shire which were soon to come. A chosen body of knights have to assess the imposts on each shire. From assessing the taxes the next stage was to vote or to refuse them. In 1213 the sheriffs are called on to summon four discreet men from each shire, to come and speak with the king about the affairs of the realm. When we have reached this stage, we have come very near to a *parliament*, name and thing.

The Great Charter.

The reign of John, in short, is marked by common consent as the time from which Englishmen date the birth of their national freedom in its later form. From his day men no longer asked for the observance of the laws of Eadward. They asked for the observance of John's own charter, which was deemed to be nothing else than the laws of Eadward in a new shape. By that charter all the great principles of constitutional government were affirmed. They were so fully affirmed as to be in advance of the age; only a few years later men shrank from affirming them again with so clear a voice. Stephen Langton doubtless saw further than other men of his day; but, if in one or two points he claimed more than his generation was ready for, the great mass of his legislation took root at once, and so prepared men for the final acceptance of all a generation or two later. The Charter is the first solemn act of the united English nation after Norman conquerors and Norman settlers had become naturalized Englishmen. Of distinction of race or law there is not a word. The one distinction drawn is that between freeman and villain, and even the villain has rights which the Charter protects. It ordains nothing new, except the temporary provisions for its own enforcement, provisions which give a legal sanction to the natural right of resisting a king who rebels against the law. Novel abuses are to be redressed; new means of redressing them are supplied; but the old law of England, the law of Eadward, the law of Henry, stands firm. But it is with the strictly constitutional provisions of the Charter that we are here most concerned. Representation was already fast growing up; but it had hardly yet reached such a stage that it could be ordained in legal form. But rules are laid down out of which, even if it had not begun already, representation in the strictest sense could not fail shortly to arise. The distinction which had been growing up ever since the Conquest, and indeed before, between the *Witan* and the *Landsitting men* now receives a legal sanction. The practice of summons makes the distinction. Certain great men, prelates, earls, and greater barons, are to receive the personal summons. The rest of the king's tenants-in-chief are to be summoned only in a body. Here we have almost come to a separation of Lords and Commons. But in modern ideas those names imply two distinct houses; and it was not yet settled, it had not yet come into men's minds to consider, whether the national council should consist of one house or a dozen. But it is decreed in so many words that the acts of those who came would bind those who stayed away. On such a provision representation, and not only representation but election of the representatives, follows almost as a matter of course. The mass stay away; a few appear, specially commissioned to act in the name of the rest. The Charter mentions only the king's tenants-in-chief; so far had things been marred and feudalized by the influence of the Conquest. But as the election could only be made in the ancient county court, every freeholder at least, if not every freeman, won back his ancient right. If he could not come himself to cry Yea or Nay, he at least had a voice in choosing those who could do so with greater effect.

The power of the purse.

The point in which the legislation of the Charter seems to have been in advance of the age was with regard to the power of the purse. The old threefold burthen, the *trinoda necessitas*, seems, in the new feudalized state of things, to have given way to the three cases in which the lord might lawfully call on his man for an aid. These were his own ransom from captivity, the knighting of his eldest son, and the marriage of his eldest daughter. This right is allowed to the king; but he could call for money in no other case, unless it was voted to him by the national council. This was the old law, and in quite recent times both Thomas of London and St Hugh, the Burgundian bishop of Lincoln, had, in full assembly, withstood exactions on the part of Henry and Richard. But, though both ancient law and modern precedent were for the clause, men were not ready for the direct assertion of its principle. The clause was left out at the later confirmations of the Charter, and the right was not again fully established till the end of the century. The provisions which were temporary were not the least important. Twenty-five barons were appointed to carry them out, and, to show the advance of municipal rights, among them was the mayor of London. If the king broke his oath, they were to call the whole commons of the kingdom to their help, and to constrain the rebel king by force. When John again rebelled, his barons and people drew the sword against him, and they were but carrying out the letter of the law.

Resistance legalized.

European position of England.

The main principles of constitutional government had thus been established; the old freedom had been won back in a new shape. England was England again. But the European position of England had altogether changed. The final outcome of Norman and Angevin rule in England had been to make England an European and a continental power, holding two Gaulish dependencies, the duchy of Aquitaine and the insular Normandy. But the vast extension of the Angevin dominions before they were thus cut short had brought England into connexion with most parts of Europe. The daughters of Henry II., like the daughters of Eadward the Unconquered, were married to princes in distant lands, in Castile, Sicily, and Saxony. This last marriage, that of Matilda with Henry the Lion, gave the old connexion between England and Germany a special direction. During the dispute with the archbishop, Henry was more than once tempted to forsake the obedience of Alexander III., and to accept the pontiffs who were successively set up by the emperor Frederick. But the Saxon marriage caused kings whose internal policy was distinctly Ghibeline to appear in foreign lands as the allies of the Guelf. Otto IV., the son of Henry the Lion and Matilda, was constantly at the court of his uncles, and he received

from them earldoms and promises of kingdoms. It was in alliance with him that Englishman, German, and Fleming stood side by side when all three were overcome by the French king at Bouvines. In other parts of the empire, we find Henry seeking a wife for his son John in Savoy, and bringing a saint from Grenoble to rule at Witham and at Lincoln. But more than all, England, as a power, began at this period to take a direct share in the crusades. Individual Englishmen of both races had fought in earlier crusades, and had entered the service of the eastern emperors. But Henry himself took the vow of a crusader, and Richard carried that vow into effect. In foreign lands the Poitevin count appeared as an English king, and his followers, of whatever race or speech, were looked on as Englishmen. The fame of England was thus spread through all lands; yet it was in the reigns of Richard and John that the crown of England was humbled as it never was before or since. Richard became the man of the emperor for his kingdoms; John became the man of the pope. That he also offered to become the man of the Almohade Commander of the Faithful reads almost like a piece of satire; but the evidence on which the story rests cannot be lightly cast aside.

Within the island world of Britain the power of England rose for a moment under Henry II. to a greater height than it had ever risen at any earlier time. Or we might say that another island world, less only than Britain itself, was brought into relation with the world of Britain, as the world of Britain was brought into relation with the world of Europe. The first Angevin king of England became the first English lord of Ireland. The connexion between the two islands had been growing close for a long time. Shadowy tales are told of a dominion exercised by Eadgar and by Cnut on the eastern shore of Ireland. It is more certain that, under the two Williams and under Henry I., first the Danish settlers, and then the Irish themselves, entered into spiritual relations with the see of Canterbury which could hardly fail to grow into temporal relations with the crown of England. One Irish king was, if not the vassal, at least the attached friend, of Henry I. One of the first acts of Henry II. was to obtain a bull from the one English pope, Hadrian IV., granting him the dominion of the island of Ireland. But the conquest of the new realm was begun only by private adventurers in 1169. For one moment, in 1171, the conquest seemed to be a reality. The Irish princes became the men of Henry, who presently granted the kingdom of Ireland to his son John. But in truth all that was done was to begin that long and dreary tale of half-conquest and local warfare which gave Ireland five centuries of greater wretchedness than England had endured in the first five years of Norman dominion. As if from a feeling how unreal the claim was, the kingly style granted to John was dropped by John himself; and, till the reign of Henry VIII., the king of England took from his precarious Irish dominion no higher title than Lord.

On the Welsh frontier the endless warfare went on; but this cannot be called a period of conquest. The armies of Henry II. suffered at least one defeat at the hands of the Britons; and the contemporary writer John of Salisbury ventures to regret that England had not in his day a leader like Harold to guard her frontier. Under John we find the first connexion by marriage between the ruling houses of England and Wales. A natural daughter of John was married to the Welsh prince Llywelyn. From this time the position of the Welsh princes changes, and they begin to play a certain part in the internal affairs of England. On the Scottish frontier Henry II. took back the earldoms of Northumberland and Cumberland, which had been yielded to David and his son. Presently the shame taken by William the Lion in the revolt of the English barons was avenged in 1174 by his defeat and captivity, and by his acknowledgment of a supremacy of an altogether new kind on the part of the English overlord. For the first time, Scottish lords, as well as Scottish kings, did homage to Henry; and, for the first time also, Scottish castles were placed in his hands. But when the chivalrous Richard was selling everything, he sold back these newly acquired rights. The relations in which the kingdom of Scotland, the earldom of Lothian, and the territorial fief of what we may now best distinguish as Scottish Cumberland, stood to the English crown fell back to their former state, to form materials for a great controversy a hundred years later.

Special submission of William the Lion.

With regard to language, this period is one in which the use of Latin becomes universal in all public documents There are still a few English writs of the early days of Henry II., and the first known French document comes from the hand of Stephen Langton in the year of the Great Charter. The truth is that the men of this time were so familiar with the use of all three languages, English, French, and Latin, that it is rarely indeed that any writer thinks it needful to mention which of the three a man spoke at any particular moment. But it is clear that, by the end of the 12th century, English was understood and spoken by all classes. It is equally clear that a fashion now set in in favour of French merely as a fashion. Richard was altogether non-resident, and could have had little influence on such matters. But John, and after him Henry III., kept a foreign court in England. Though born in the land, they were far more strangers than Henry II. had been. Thus, at the very moment when French had lost its position as the natural speech of one class of the inhabitants of England, it came to the front again as a mere courtly speech, foreign to all. In short, in regard to language, as in regard to matters of fashion generally, the Norman period was succeeded by a French period. But neither French nor English was at this time the tongue of solid literature, as distinguished from writings which are merely popular or merely courtly. Such writings were severally English and French. But all the learned writings of a learned age were in Latin. Neither in English nor in French is there any original English history of this time, unless we except the rhyming chronicles of Wace and Benoît de Sainte More, which are writings essentially Norman, though incidentally bearing on English matters. Our Latin materials for the history of this time are abundant. We have the so-called Benedict of Peterborough; we have Roger of Howden and Gervase of Canterbury; we have Ralph de Diceto and the critical William of Newburgh. The quarrel between Henry and Thomas gave rise to an endless crop of letters, lives, and documents of all kinds. The expedition of Richard I. finds its place among the histories of the crusades. And, while history was thus abundant, legend was not wanting. The actual life of Geoffrey of Monmouth belongs to the days of Henry I. and Stephen; but it was in the second half of the century that his writings began to have a lasting influence. His wild fables of Arthur and earlier British kings seem at the outside to have preserved a few distorted scraps of genuine West-Welsh history. But they gave birth to a vast legendary literature, Latin, French, and English, which has done more perhaps than any other one cause to make Englishmen forget that they were Englishmen. And, beside history and legend, there was also at this time no lack of Latin literature of a more general kind, such as the writings of John of Salisbury, Peter of Blois, and the often misunderstood Walter Map or Mapes. Among many others these may pass as some of the chief; but the literature of this age, of all classes, is overflowing. Many of these writers were real scholars,

Literature.

Historians of Henry II.

well versed in both sacred and profane learning. In Giraldus we see something higher still. He was vain, spiteful, and careless of truth. But, as we see in William of Malmesbury and William of Newburgh the beginnings of historical criticism, so in Giraldus we see the first approaches to something like scientific observation alike in language and in natural history.

In the history of art this age is one of the greatest turning-points. It is the time of transition between the round and the pointed arch, between the Romanesque and the so-called Gothic style. The richer and lighter Norman style of Roger of Salisbury was through the reign of Henry II. gradually getting still richer and still lighter. The pointed arch, first introduced in the vaults, then in the main arcades, gradually spread itself into every part of the building. The change in the form of the arch was at first unaccompanied by any change in detail; the Romanesque ornaments continued in use. Gradually they were changed for a system of ornament which better suited the new constructive forms. By the first years of the thirteenth century, the change was complete; a style all but peculiar to England, quite peculiar to England and Normandy, a style marked by the use of untraceried lancets as windows, combined with the use of purely Gothic detail, was fully developed. The stages of the change may perhaps be best studied in the churches of Canterbury and Lincoln. Along with the development of architecture, there was an even more remarkable development of sculpture. The carvers of the eleventh century and of the first half of the twelfth could hardly represent the human figure; and when they attempted foliage, as in capitals, it was rude and inartistic. The later years of the twelfth century produced capitals almost rivalling the old Corinthian types. The next generation struck out more original, but equally perfect, forms of beauty. The sculpture, strictly so called, of the thirteenth century, if it never shook itself free from a certain amount of conventional stiffness, if its artists had neither the modern artist's anatomical science nor the old Greek's familiarity with the human figure, was at least a vast advance on works of the times immediately before them. English sculpture indeed leaped in the thirteenth century to a point of excellence which it found hard to keep.

The next period in English history may be measured in different ways, according to the point of view from which that history is looked at. The English nation has now taken its later form It has assimilated its Romance conquerors, and in so doing it has received a certain Romance infusion in language, laws, and manners. The connexion with Normandy has made England an European power. The separation from Normandy has made England again an English power. The nation has now to struggle against a new form of foreign invasion. Englishmen, of whichever race, have to hold their own against the Poitevin and the Savoyard. They have to wage the long struggle of the thirteenth century at once against the king at home and against the pope beyond sea. This time is marked by the reign of Henry III. But the time of struggle is also a time of constitutional progress, and under Edward I. the law and constitution of England put on the essence of their later form. Here then, in a purely constitutional view, is one of the landmarks of our history, a landmark to be placed alongside of the Conquest and the Great Charter. But our former landmarks, the Conquest, the accession of Henry II., the reign of John, were not merely constitutional landmarks, but landmarks in the history of England as an European power. This last the legislation of Edward I. can hardly be said to be. The next great European landmark is the beginning of the long wars between England and France. From the reign of John to the reign of Edward III., the foreign relations of England hold a secondary place as compared with her constitutional progress. There are frequent wars with France; but they are rather the wars of the duke of Aquitaine than of the king of England. Under Edward III. a wholly new state of foreign relations begins. The rivalry between England and France, which had grown out of the older rivalry between Normandy and France and which had survived the separation of Normandy from England and its union with France, now becomes, for a hundred years and more, the leading feature in English history, one of the leading features in European history. In this European aspect, the period which follows the claim of a French prince to the crown of England comes to its natural end when a king of England claims the crown of France. We take then our present start from the day when Lewis was driven out of England, and we next draw our breath when Edward III. invades France.

The reign of Henry III. was, down almost to our own day, the longest in our annals. The first forty years of it are, on the whole, the dreariest time in our history. No time of so great a length has so few events which stand out as prominent landmarks. First comes the minority of Henry, the time when, notwithstanding the vigour of the great Earl Marshal, England was largely ruled by papal legates. The homage of John had, according to feudal principles, made the pope the guardian of his minor heir; and it was not the policy of Rome to let that guardianship be a mere name. The Charter is confirmed over and over again; but, as we have seen, with the loss of some of its most important clauses. In 1227 the king declares himself of age; presently he gets rid of his great minister Hubert of Burgh; he fills the land with Poitevins and other kindred of his mother; he drives his nobles, his brother Earl Richard at their head, into discontent, and some of them into rebellion. The new struggle of Englishmen against strangers has begun. A new phase opens when help comes from the quarter from which it could least have been looked for, when Englishmen find a leader against strangers in one who was himself by birth a stranger. In 1238 Simon of Montfort first appears; he receives the king's sister in marriage, with the earldom of Leicester to which he had an hereditary claim. Suspected at first as a foreigner, the earl grows into the truest of Englishmen. A reformer from the beginning, he gradually widens his basis, till he becomes, above all men, the leader of the people. Meanwhile the king's marriage with Eleanor of Provence brings a second shoal of strangers to feed on the good things of England. A border war is waged against France with small good luck. In 1259 that war is ended by a treaty, by which Normandy is given up for ever, and the English king keeps nothing on the continent except part of the Aquitanian heritage of the elder Eleanor. Meanwhile, during part of this time, Aquitaine is placed under the rule of Earl Simon, a ruler beloved of the cities and hated of the nobles. Meanwhile pope and king are draining the wealth of the nation; but their very extortions help the growth of freedom. Parliament after parliament meets to make grants indeed, but in making grants to protect and to assert its powers. In 1256, in 1257, new entanglements, new forms of extortion arose, while Earl Richard, the one Englishman who was ever called to the throne of the Cæsars, passed into Germany to receive his almost nominal kingship. The crown of Sicily was offered by Alexander IV. to the king's younger son Edmund. More money is demanded, more money is granted; but each grant leads to a fresh demand, and at last the spirit of nobles and people is thoroughly roused. Forty-two years after the accession of Henry, we reach the first great landmark of his reign, the famous Provisions of Oxford.

By these provisions the royal power was practically put in commission, very much as it had been by the Great Charter in the latter days of John. It is specially to be noticed that at this stage the king's eldest son Edward, afterwards King Edward I., appears on more than one occasion on the popular side. He and Simon were for a while fellow-workers. But Henry, like John, rebelled against the provisions which cramped his power, and about the same time Edward was reconciled to his father. The matters at issue between the king and his people were now submitted to the judgment of the king of the French, St Lewis himself. But Lewis, if a saint, was also a king. By the mise of Amiens (1264) he annulled the Provisions of Oxford, as overthrowing the royal authority; but at the same time he decreed that the nation should keep its ancient liberties. To men who held that the Provisions of Oxford were, like the Great Charter, simply a re-enactment of ancient liberties, such an award seemed inconsistent on the face of it. There was now no hope but in arms. The civil war now begins; Earl Simon, a stranger by birth, is the leader of the barons and people of England. King Richard of Germany, who once seemed destined to hold the place which Simon had come to hold, was now fighting on the side of his brother and fellow-king. So were the two kings' sons, Edward of England and Henry of Germany. Kings and kings' sons were overthrown at Lewes (May 13, 1264), and the royal authority passed into the hands of the earl. By him, early in the next year, was held the great Parliament, the first to which representatives of the boroughs were summoned along with prelates, earls, barons, and knights of the shire. But quarrels presently arose between Earl Simon and his fellow barons. Edward, kept for a while in ward with his father, escaped and gathered an army. In the fight of Evesham (4th August 1265) Simon was overthrown and killed, and was canonized, not by the Rome which he had always withstood, but by the popular voice of England. The war lingered at Simon's castle of Kenilworth, and, as in the days of Hereward, in the marshes of Ely. Peace was at last made (1267); and the terms on which it was made, and the generally conciliatory character of Edward's policy towards the vanquished, already showed how much he had learned from the uncle who had fallen before him, but whose work he was destined to bring to perfection. The peace of the last few years of Henry's reign seems wonderful after the storms which had filled up the greater part of it. Edward could leave the land in safety to go on the crusade; and, when his father died (1272) in his absence, his succession to the crown was at once recognized and his peace proclaimed. To say that he was the first king who reigned without election is almost a question of words. At no time in our history would there have been, in such a case as this, any chance of opposition to the eldest son of the last king. What really shows how fast the new ideas of kingship had advanced is the fact that Edward reigned for nearly two years without coronation. Henry died November 16, 1272. The reign of Edward was held to begin with his proclamation four days later; the doctrine that the king never dies is a later device still. Edward was then in Sicily, nor was his return a hasty one. He passed leisurely through several parts of Europe; he suppressed disturbances in his duchy of Aquitaine, and was crowned seventeen days after his arrival in England (August 19, 1274). Nothing could show more clearly than this how fast the office conferred by election and coronation was passing into the possession handed on by simple hereditary succession.

The reign of Edward which thus began is one of the most memorable in the whole course of English history. It is more than an accident that he was the first king since the Conquest who bore one of the ancient kingly names. Under him we feel at once that the work is done, that all traces of conquest, all traces of distinction of races, have passed away. We have again an united English nation, under a king English in name and in heart. For the first time since the Norman came, England has a king whose whole policy is thoroughly English, whose work seems in so many ways a falling back on the work of the old native kings, specially of the king whose name he bore. For the first time since the Conquest, we have a king who is neither surrounded by foreign favourites nor has his policy directed to foreign objects. As duke of Aquitaine, Edward could not avoid wars and controversies with France; but wars and controversies with France were in his days something altogether secondary. His objects were those of the old West-Saxon kings, to be the lawgiver of England, and, as far as might be, to make England co-extensive with Britain. Still, like some other kings, Edward has been misunderstood through not attending to the chronology of his reign. His Scottish warfare, which is perhaps the first thing which is suggested by his name, takes up only the last nine years of a reign of thirty-five. He had been king nineteen years before the controversy as to the Scottish crown arose. So in the earlier part of his reign the Welsh warfare, which in the popular conception stands alongside of the Scottish warfare, has very much the air of an episode in a time mainly given to internal legislation. The reign naturally falls into two divisions. In the first, from 1272 to 1291, internal affairs are most prominent, though it also takes in the conquest of Wales and some important dealings with France. In the latter part, from 1291 to 1307, Scottish affairs are, or seem to be, predominant. And yet it is during this time that the greatest constitutional step of all is taken, and that parliament distinctly assumes its later form.

The immediate occasions of the Welsh war arose out of the disputes of the last reign. The Welsh prince Llywelyn, who still held the north-western part of Wales by the title of Prince of Aberffraw and Lord of Snowdon, had been allied with Simon; his subjects had shared in the earl's warfare, and he was himself betrothed to the earl's daughter. Disputes arose out of Llywelyn's refusal to meet the English king and do his homage. In 1276 he was declared to have forfeited his fiefs, and in the next year he was constrained to surrender the eastern part of his territory and to do homage for the rest. In 1282 a revolt began, in which David, the brother of Llywelyn, who had been hitherto in Edward's favour and was enriched with English honours, seized the castle of Hawarden and massacred all who were in it. The revolt was put down; the land was speedily conquered; Llywelyn died in war; his brother was put to death as a traitor. The part of Wales which had thus far kept its separate being as a vassal state was now forfeited to the overlord. Throughout a great part of the land English law was introduced. Shires, with their system of administration, were formed; boroughs were founded; castles were built to keep down the malcontents. The principality was designed to form a separate apanage for a younger son of the English king; but, as Edward, the first English prince, succeeded to the crown by the death of his elder brother, the title of Prince of Wales has since commonly been borne by the eldest son of the English king. The Welsh revolted again, even in Edward's own time; but their revolt was only for a moment. Later revolts were of importance only when the malcontents contrived to connect themselves with English rebels or with foreign enemies of England. The general tendency of things was to closer union between the kingdom and the principality, down to the complete incorporation of Wales with England in the sixteenth century.

Fourteen years passed between the conquest of Wales and

Edward's first warfare with Scotland. In this interval much of the legislation of Edward's reign went on. He visited Gascony, and confirmed his power there; and in 1290 he freed England from the presence of the Jews. The next year began those negotiations with Scotland which led to war between the two kingdoms of Britain, to the momentary conquest of Scotland, and to its final independence.

Rightly to understand this great controversy, we must look back to the older relations in which the various possessions of the Scottish crown stood to the crown of England. These were threefold. Between Scotland proper and England the relation was that degree of dependence, whatever it might be deemed to be, which arose out of the old commendation to Edward the Elder. The special burthens imposed by Henry II. had been withdrawn by Richard. Over Scotland proper the utmost claim that could be made was that of a mere external supremacy, a supremacy older than the feudal law and undoubtedly carrying with it none of the recently devised feudal incidents. Scottish Cumberland, on the other hand, was a territorial fief in the strictest sense, though again a fief older than the later feudal jurisprudence. Lothian or northern Northumberland was in strictness an earldom within the English kingdom, just as Northumberland in the latest sense was when that earldom too came for a while into the hands of the Scottish kings. Here then, in strictness, were three distinct relations for three different parts of the Scottish dominions. But it had never been the interest of either side to define the claims very strictly. As long as the two kingdoms were at peace, as they had been through a large part of the twelfth and thirteenth centuries, the English king had been satisfied to receive the homage of the Scottish kings, without defining very strictly for what territories or on what terms it was rendered. In any case, English interference in the internal affairs of any part of those dominions was unknown. The distinction between the different tenures of Scotland, Strathclyde or Cumberland, and Lothian, passed out of sight. It was remembered on the English side that some kind of homage was due from all. It was remembered on the Scottish side that the kingdom of Scotland at least was no territorial fief of the crown of England. But while the relations of the two kingdoms were in this uncertain state, the whole feudal jurisprudence had grown up, and neither side could any longer look on the matter in its strict historical bearing. The different tenures of different parts of the Scottish dominions were forgotten on both sides, and the question finally took the shape, Are the Scottish dominions, as a whole, a fief of the English crown or not? It was hardly possible that the question should take any other form; yet such a form altogether confused ancient rights and distinctions. In claiming the ordinary superiority of a feudal lord over the whole Scottish dominions, Edward claimed more than his historic right over the kingdom of Scotland. He claimed less than his historic right over the earldom of Lothian. But the confusion was natural and unavoidable. It was only according to the ordinary workings of human nature, that the full feudal claims should be asserted on the one side, and that, on the other side, the only question should seem to be between accepting or denying them in their fulness. But it is eminently characteristic of Edward's mind that, while his evident policy was to seize every opportunity for bringing the whole of Britain into a more perfect union, he should take care to be guided throughout by the rules of at least a formal justice.

His first attempt to unite the kingdoms was by the obvious means of a marriage between his son Edward and the Scottish queen Margaret. This scheme was put an end to by the young queen's death. Then came the disputed succession, a dispute which Edward was in 1291 called on to decide. Such an opportunity was not to be lost; Edward demanded to be first of all formally recognized as superior lord of the crown which he was called on to dispose of. He was so recognized; the claims of the competitors were fairly heard before a mixed commission; and the judgment given was strictly according to the laws of hereditary succession, as they were now beginning to be understood. The question between John Balliol and Robert Bruce was a question between primogeniture and nearness of kin. That question was in truth settled by the decision in favour of Balliol. The crown of Scotland was assigned to the candidate to whom it would have passed by the later law either of England or of Scotland. The decision in truth created that later law. The new king John at once entered into a relation of homage which involved a more complete dependence on England than any Scottish king had ever before acknowledged. But, though it was to Edward's manifest interest to have three weaker vassals rather than a single powerful one, he at once rejected the demand of Bruce and Hastings that the kingdom should be divided. It must be remembered that all three competitors, Bruce no less than Balliol and Hastings, though they held Scottish estates and came by female descent of the Scottish royal family, were essentially English barons, who felt no kind of degradation in a renewed homage to their own king. But it is plain that they did not carry with them the general feeling of what we must now begin to call the Scottish people. The older names of things are now strangely reversed. The English of northern Northumberland, so long under Scottish rule, had adopted the Scottish name, and had learned to feel a national patriotism, distinct from, and even hostile to, southern England. They were the Scots from whom the English kings had to endure so stubborn a national resistance. The true Celtic Scots, the men of the highlands and islands, had in truth but little to do with the matter. Whenever they had any share in the disputes of the time, dislike to the king of Scots, the nearer enemy, commonly drove them to the English side.

The disputed succession; award of Edward.

Reign of John Balliol

In 1292 John of Balliol received the Scottish crown as a vassal of England. A claim which we may be sure was without precedent, but which was strictly according to the rules of the feudal jurisprudence which had grown up, was before long brought to bear upon him. From the courts of the vassal there was, according to that jurisprudence, an appeal to the courts of the lord. Scottish subjects, dissatisfied with the justice which they got in the courts of King John, appealed to the courts of King Edward. Just as in the case of the arbitration, an opportunity was thrown in Edward's way, of which it was not in human nature to refuse to take advantage. John, having acknowledged himself a vassal, refused to do what was now held to be a vassal's duty. He was presently found to be negotiating against his lord with that lord's foreign enemies. That war followed was not wonderful; that, when John renounced his allegiance, he was held to have forfeited his fief was according to received feudal notions. The fief was forfeited; the kingdom was conquered; the separate kingdom of Scotland was abolished; it was incorporated with England, and was meant to have some share of representation in that parliament of England to which Edward had just given its perfect form. In 1304 the whole island of Britain, so far as its most northern parts could be said to be under the obedience of any one, was under the obedience of the English king.

Edward's conquest of Scotland.

Estimate of his conduct.

In all this Edward simply acted as any man would act in his view of the case. He carried out the law as he understood it. There is thus far nothing to wonder at, nothing to blame. On the other hand, that the mass of the Scottish people—defined as above—should resist his claims was as little to be wondered at, as little to be blamed. Each side acted according to the ordinary workings of human nature in their several positions. The real greatness of William Wallace is shown in the fact that he was essentially a popular leader, one who kept up the heart of a nation whose natural chiefs had forsaken it. On the other hand, even setting aside the charges of special cruelties, William Wallace could not fail to seem, in the eyes of Edward and of every Englishman, a rebel who had despised the offers of mercy which were accepted by every one else. That an English court condemned him as a traitor was in no way wonderful, in no way blameworthy; that Scottish patriotism revered him as a martyr was as little wonderful, as little blameworthy.

William Wallace.

This first war of Edward with Scotland thus began with the taking of Berwick in 1296, and ended with the taking of Stirling in 1304. Meanwhile Edward was engaged in disputes and warfare with France, which began at nearly the same time as the Scottish war. The points in controversy between France and England supply a striking and instructive parallel to the points in controversy between England and Scotland.

Analogies between the Scottish and French disputes.

As the king of Scots was the man of the king of England, so was the duke of Aquitaine the man of the king of the French. In both cases the vassalage was older than the new feudal jurisprudence. But the doctrines of that jurisprudence now began to be pressed against Edward himself. A quarrel arose between Gascons, subjects of Edward, and Normans, now subjects of Philip of France. The quarrel grew into a war which was waged by the subjects of the two kings without any commission from their respective sovereigns. Edward, summoned to appear in the court of his lord to answer for the doings of his subjects, did not deny his obligation, though he appeared only by deputy. Presently his duchy was declared forfeited, by a process which in England at least was deemed unjust; and it was in the end recovered only by a negotiation and arbitration and a double marriage. In this war, as in earlier French wars, England had the alliance of Germany and of Flanders. And, as the same years saw the beginnings of the long alliance between Scotland and France, we may say that we have come to the beginning of European arrangements which lasted till very modern times.

War of Robert Bruce

The second Scottish war, the war of Bruce, was quite distinct from the first, the war of Wallace. The interval which divides them is short; but the change of circumstances was enough altogether to change the conduct of Edward. As long as the war took the form of resistance to the establishment of his authority, his general clemency was remarkable. Severity began only when the war took the form of revolt against established authority. The conquest of Scotland had been completed in 1304. Robert Bruce, the grandson of the original competitor, having lost all hope of Edward's favour by the murder of his rival John Comyn, revolted and assumed the Scottish crown in 1306. In the next year, 1307, the cause of Bruce seemed again altogether hopeless, when things were changed by the death of Edward on his march to Scotland. With the single exception of the execution of Wallace, the whole of Edward's acts of severity in Scotland come within a single twelvemonth, from July 1306 to July 1307. After the death of the great king and the accession of Edward II., the war naturally lingered; it was interrupted by truces; and a series of successes on the part of Robert Bruce were crowned in 1314 by the overwhelming defeat of the English at Bannockburn. Then comes, from 1315 to 1318, the attempt to establish Edward Bruce as king of Ireland. For ten years follows a time of truces and of occasional invasions on both sides, till, after Edward had been deposed in 1327, a peace between Scotland and England was concluded in the next year, by which the independence of Scotland was fully acknowledged. The old claims, of whatever kind or over whatever territory, must be looked on as being from this time definitely given up. Scotland, in the sense which the word then bore, a sense which, with the exception of the fluctuating possession of Berwick, is the same which it bears still,[1] must be looked on from henceforth as a kingdom absolutely independent of England. To carry on the analogy already drawn between the relations of Scotland to England and those of Aquitaine to France, the treaty of Northampton in 1328 answers to the treaty of Bretigny thirty-two years later.

The change in the fortune and character of the war with Scotland which followed when Edward II. succeeded Edward I. was only part of the general change which naturally followed on such a change of sovereign. The ruler, lawgiver, and conqueror had passed away, to make room for a son who inherited none of these characters. Legislation and conquest come to an end; constitutional progress becomes indirect. Edward II. was ruled by favourites; that his earliest favourite, Piers Gaveston, was a foreigner from Gascony doubtless tended to increase the usual dislike to favourites; but the fact was no longer of the same political importance as the predominance of foreign favourites had been in earlier times. There was no longer any fear of England again becoming the prey of the stranger. Still the reign of Edward II. is, in some respects, a repetition of the reign of Henry III. The national dislike to the favourite led to an opposition to the king, which in 1310–1311 brought about the practical transfer of the royal power—in imitation, it would seem, of the Provisions of Oxford—to a body of prelates and barons, called the Ordainers. The almost immediate recall of Gaveston, in defiance of the new ordinances, led to a new Barons' War, in which the king's cousin, Earl Thomas of Lancaster, appears rather as a parody than as a follower of the great Simon. We now reach the beginning of a series of political executions which have no parallel in earlier days, but which from this time disfigure our history for many centuries. The first blood shed was that of Gaveston himself, in 1312. It was avenged ten years after by the execution of Thomas of Lancaster. Meanwhile the strife between the king and his barons had gone on. A second time, in 1318, the royal power was transferred to a council. Then came the choice of new favourites, the Despensers, father and son. They were at least Englishmen, bearing a name which had been glorious in former civil strife. But they were no less hated than the stranger Gaveston. In a moment of recovered power on the king's part follows the execution of Earl Thomas, a martyr in the belief of his party no less than Simon himself. Presently Edward has to meet with foes, not only in his own house but in his own household. Dark and mysterious causes drew on him the deadly hatred of his own wife, and gave him a rival in his own son. In the revolution of 1326, the queen is the leader; the favourites die in their turn the death of traitors. The year 1327 opens with the practical assertion of the highest right which the national council in its new form had inherited from the earliest times. By a solemn vote of the parliament of England, the king was deposed, and his own son Edward was placed on the throne. In earlier times the deposition of a king in no way implied his murder, any more than the fall from power of a great earl or prelate implied either his murder or his legal execution. But the days of blood had now set in; before the end of the year the deposed king died by

[1] That is, as regards the English frontier. The relations between Scotland and the Scandinavian islands do not concern English history.