

Reign of Edward III. a foul assassination? The new king was still a minor, and the first years of his reign were the reign of his mother Isabel and her favourite Roger Mortimer. Another revolution was needed to break their power. In 1330, with the execution of Mortimer and the imprisonment of Isabel, the real reign of Edward III. begins. And within a short space the struggle with Scotland has again begun, to be merged in a few years in the long abiding struggle between England and France.

In a constitutional point of view, as well as in many others, the period which we have just gone through may be deemed the most important of all periods in English history. It is the time during which our nation, our laws, our language, finally assimilated whatever was to be assimilated of the foreign elements brought in by the Norman Conquest, and finally threw off whatever was to be thrown off. At the beginning of the period we saw the English nation debating between an Angevin and a French king. At the end of it England, as England, is a great European power, waging war on the continent for the conquest of France. So it is with everything else. It is during this time that most of the things which go to make up the national life, put on their later form. Above all things, this was the case with the great council of the English nation. It is for constitutional historians to trace the minuter details; the main outline may be traced in the assemblies of the reigns of Henry III. and Edward I. The name of the assembly had hitherto been fluctuating. During this period the name of *Parliament* became finally established. The name is a translation of an Old-English phrase. The Conqueror is said in the English Chronicle to have had "very deep speech with his Witan."

This deep speech, in Latin *colloquium*, in French *parlement*, was the distinguishing feature of a meeting between king and people; in the end it gave its name to the assembly itself. The constitution of the assembly, as defined in the Great Charter, did not absolutely imply representation; but it showed that the full establishment of representation could not be long delayed. The work of this period was to call up, alongside of the gathering of prelates, earls, and other great men specially summoned, into which the ancient Witenagemot had shrunk up, another assembly directly representing all other classes of the nation which enjoyed political rights. This assembly, chosen by various local bodies, *communitates* or *universitates*, having a *quasi* corporate being, came gradually to bear the name of the *commons*. The knights of the shire, the barons, citizens, and burgesses of the towns, were severally chosen by the *communa* or *communitas* of that part of the people which they represented. We thus get the two houses of Lords and Commons, of which we have seen foreshadowings getting more and more clear from the days of the Conqueror onwards. But it was only gradually fixed that the members of the national council should sit in two bodies, and not in one or in more than two. The notion of local representation, by which shires and boroughs chose representatives of their own communities, had to some extent to strive with another doctrine, that of the representation of *estates* or classes of men. The thirteenth century was the age when the national assemblies, not only of England but of most other European countries, were putting on their definite shape. And, in most of them, the system of *estates* prevailed. These in most countries were three—clergy, nobles, and commons. By these last were commonly meant only the communities of the chartered towns, while the *noblesse* of foreign countries answered to the lesser barons and knights who in England were reckoned among the commons. The English system thus went far to take in the whole free population, while the estates of other

countries, the commons no less than the clergy and nobles, must be looked on as privileged bodies. In England we had in truth no estates; we had no nobility in the foreign sense. Such a nobility was inconsistent with the institution of peerage, which gradually grew out of the practice of personal summons. The English peerage is strictly official. Two official classes, bishops and earls, have always kept their right of personal summons. With regard to others, both lay barons and churchmen under the rank of the bishops and chief abbots, it is plain that in the early parliaments the king summoned very much whom he would. It was only gradually that the right of summons was held, first to be vested for life in every man who had once been summoned, and afterwards to be hereditary in his descendants. Thus was formed the House of Lords, consisting of certain lay members succeeding by hereditary right, and of certain heads of ecclesiastical foundations. The office of the peer, the office of legislator and judge, passes by hereditary succession in the one case, by ecclesiastical succession in the other. The holder of the hereditary office was gradually clothed with various personal privileges, but his children remained unprivileged members of the general body of the commons. So far as nobility exists at all in England, it is confined to the person of the peer for the time being. But in truth there is in England no nobility, no estate of nobles, in the continental sense of those words.

Yet the continental theory of estates so far worked in the development of our parliamentary system that the "Three Estates of England" became a familiar phrase. It was meant to denote the lords, the commons, and the clergy in their parliamentary character. For it is plain that it was the intention of Edward I. to organize the clergy as a parliamentary estate, alongside of the lords and commons. This scheme failed, mainly through the unwillingness of the clergy themselves to attend in a secular assembly. This left, so far as there were any estates at all, two estates only, lords and commons. This led to the common mistake—a mistake of respectable antiquity—of fancying the three estates to be king, lords, and commons. The ecclesiastical members of the House of Lords kept their seats there; but the parliamentary representation of the clergy as an estate came to nothing. So far as the clergy kept any parliamentary powers, they exercised them in the two provincial convocations. These anomalous assemblies, fluctuating between the character of an ecclesiastical synod and of a parliamentary estate, kept, from Edward I. to Charles II., the parliamentary power of self-taxation. For a long time lords and commons taxed themselves separately. So did the clergy; so sometimes did other bodies. It was only very gradually that the final constitution of parliament was settled. That the barons should sit with the bishops and earls, that the citizens and burgesses should sit with the knights, were points which gradually settled themselves. And more than once things looked as if, besides separate assemblies of the clergy, we might have had also separate assemblies of merchants and of lawyers. The great fact is that, while at the beginning of the thirteenth century the name and the constitution of the national assembly were still unsettled, at the beginning of the fourteenth century we had a regular parliament of Lords and Commons. The chief point which still remained unsettled was the position of the estate of the clergy.

This seems to be the general result of the constitutional growth of the thirteenth century, as traced out by our great constitutional historian. Leaving the minuter details, we may here mark some of the chief steps in the progress. During the reign of Henry III. assemblies were constantly held, and their constitution is often vaguely described. But in a great many cases phrases are used which, however

Name of Parliament.

Origin of the Commons.

Nature of the Peerage.

Phrase of Three Estates.

Assemblies of Henry III.

Popular element.

Parliament of 1255. Representatives of the boroughs.

Parliaments of Edward I.

vague, imply a popular element. We read of knights, of tenants-in-chief, of freemen, sometimes even of freemen and villains, sometimes, more vaguely still, of "universi," "universitas Angliæ," and the like. In some cases we are able better to interpret these vague phrases. For instance, in 1224 each shire sends four knights chosen by the "milites et probi homines." Whether these knights were or were not to vote along with the magnates, they were at all events to transact business with them. We must always remember that in these times formal voting in the modern sense is hardly to be looked for. In 1254 we have a distinct case of two knights summoned from each shire by royal writ. In the Oxford parliament of 1258 four knights are ordered to be chosen in each shire, who are to report to another parliament within the same year. At that parliament they seem to appear by the title of "Communitas Bachelariæ Angliæ." It may be doubted whether this is strictly a case of the knights acting as part of the parliament. Still every instance of the kind must have helped to strengthen the growing doctrine of representation. From this time the attendance of elected knights seems to be fully established, and along with the knights we find in many cases distinct representatives of the clergy. It is in Earl Simon's parliament of 1265 that we first find distinct representatives of the boroughs. Each county sends two knights, each city or borough two citizens or burgesses, and the cinque ports four each. But this same parliament shows how fluctuating the practice of summons still was. The earl, strong among the clergy, strong among the people at large, was much less strong among the great men of the realm. Besides summoning the citizens for the first time, he summoned a crowd of churchmen, regular and secular, greater than appeared in any other parliament. But he summoned only five earls, including himself, those namely whom he could trust. We should call such a body a packed parliament; but for a long time every parliament was a packed parliament. That is to say, some barons, some abbots, were always personally summoned, some towns were always called on to send representatives; but the barons, the abbots, and the represented towns were by no means the same in every parliament. This kind of irregularity is always found till institutions have finally stiffened into some particular shape. Our whole law and constitution rests far more on precedent than on formal enactments, and in unsettled times precedents are slow in establishing themselves.

The parliament of 1265 was the model parliament, the assembly whose pattern, in its essential features, set the standard which was in the end followed, and which has lasted till our own time.<sup>1</sup> But the pattern which it set did not become the invariable rule till the great parliament of 1295. In the earlier parliaments of Edward I. the knights and citizens are often mentioned; but, on the other hand, we meet also with the same vague descriptions as in earlier times. But in 1295 Edward definitely adopted the model which Simon has set him, and the summoning of knights, citizens, and burgesses, though with great irregularity as to

<sup>1</sup> In the great political poem which forms the manifesto of the patriotic party are two lines which have been often quoted:—  
"Igitur communitas regni consulari,  
Et quid universitas sentiat, sciatur."

But what follows shows that the duties of a popular assembly were held to be, not to enact new laws, but to declare the old ones, and to procure their better observance:—

"Cui leges proprie maxime sunt notæ,  
Nec cuncti provincie sic sunt idiote,  
Quin sciunt plus cæteris regni sui mores,  
Quos relinquunt posteris, hii qui sunt priora.  
Qui reguntur legibus magis ipsas sciunt;  
Quorum sunt in usibus plus peritæ fiunt,  
Et quia res agitur sua, plus curabunt,  
Et quo pax adquiritur sibi procurabunt."

the places from which representatives were summoned, has ever since been the rule. It was thus under Edward I. that parliament finally put on the essentials of its present form. But we must still allow for irregularities in practice. It does not follow that every enactment was always passed with the consent of all the classes of which the parliament was made up. A doctrine had come in that the king was the legislator, that the votes of the parliament, or of any part of it; were petitions which he could accept or reject, or again that he might legislate on a petition from one house or branch of the assembly apart from the others. The national council had now won back its ancient constitution as an assembly of the freemen of the realm, either personally or by representation. But it was only step by step that it won back the full powers of the ancient Witenagemot. There are some indeed which it still shrinks from exercising directly, some which it shrinks from exercising at all.

The reign of Henry III. was a reign of constant parliamentary action, but it was not a time rich in legislation in the strictest sense. The most direct case of change in the law during Henry's reign was the abolition of the ordeal at its beginning. This led incidentally to further changes in judicial procedure, and it is one of the chief landmarks in the development of the jury system. But it is in itself not so much independent legislation as the application to England of a decree of a General Council of the church. In short the parliaments of Henry III. are less famous for changing the law than for refusing to change it. The famous saying "Nolumus leges Angliæ mutari" dates from the council of Merton in 1236, when the barons refused to agree to the proposal of the prelates for assimilating the law of England to the civil and canon law in the matter of children born before wedlock. By the former systems of jurisprudence, the subsequent marriage of their parents admitted them to the rights of legitimate birth. But the barons chose to maintain the harsher rule of the common law of England.

But, if the reign of Henry III. was not a time rich in parliamentary life, it forms an important stage in the growth of our parliamentary life. The chief work of that reign was that the first steps were taken towards the practical establishment of the doctrine set forth in the omitted clauses of the Great Charter, the doctrine, in modern phrase, that the power of the purse belongs to parliament. In Henry's day England and her parliament had to wage a never-ending strife against her two enemies, king and pope. The main duty of the nation was to withstand the extortions of both alike. The king was always asking for money; the conditions of a grant commonly were that the charters should be again confirmed and be better observed. And gradually another demand arises, that the great officers of state shall be appointed, if not by parliament, at least with the assent of parliament. But demands like these, demands for the removal of aliens and the like, are all demands for the reform of abuses and the execution of the old laws; new laws are never asked for. The Oxford Provisions of 1258 show the ideas of reform which were then entertained; it is not legislation, it is reform of bad administration, even at the cost of transferring the king's authority to other hands, which is asked for. Simon himself, the greatest of constitutional reformers, was not a legislator. His Parliament is famous, not for anything that it did, but for what it was. Nor after Simon's fall do we meet with much legislation strictly so called. The ordinances of Kenilworth and Marlborough are ordinances for the settlement of the kingdom, ordinances for the better observance of the Charter and of the statutes of 1259. They are not legislation in the strictest sense, the enactment of absolutely new laws.

Legislation under Henry III.

Parliamentary growth under Henry III.; power of the purse.

Legisla-  
tion of  
Edward  
I.

On the other hand, the reign of Edward I., like the reign of Henry II., is emphatically a time of legislation strictly so called, as well as of constitutional progress. At no time were so many memorable statutes passed. Edward's first great act, the first Statute of Westminster, in 1275, has been described as "almost a code by itself." But it was followed almost yearly by enactment upon enactment. The statute *de religiosis* in 1279 forbade the alienation of lands in mortmain without the consent of the superior lord. Ten years later, after a mass of legislation in intermediate years, came the statute *quia emptores*, which forbade subinfeudation. The holder of land could no longer grant it to be held of himself; he could alienate it only so as to be held of the higher lord by the tenure by which he held it himself. Other statutes regulated the local administration, the range of the ecclesiastical courts, almost every detail of English law. At last, in 1297, the famous *Confirmatio Cartarum* was wrung from the king; the power of arbitrary taxation was surrendered; no tax is any longer to be levied by the king without parliamentary sanction. That is to say, those clauses of the Great Charter which were left out in the confirmations under Henry III. were now restored and put in force. As in all other things in these ages, we must allow for what seems to us amazing irregularity of practice. It does not follow that, because a certain course was ordained by law, therefore the law was always carried out. But the principle was established, and it could always be appealed to in case of any breach of the law. By the end of Edward's reign, a national assembly, composed of much the same elements of which it is composed still, was acknowledged to possess what is practically the greatest of parliamentary powers.

Parlia-  
mentary  
power of  
taxation.

The extreme legislative activity of this reign is one of many signs that the immediate effects of the Norman Conquest had now quite passed away. A thoroughly united nation, which had forgotten the foreign origin of certain classes of the nation, could bear to have new laws enacted, to have old institutions put into new forms. But the particular form which the great constitutional triumph of this reign took looks both forward and backward. It looks forward, as showing that we have reached what is really modern history. The parliamentary power of the purse is the ruling principle of all later constitutional struggles. But it also looks backward. An ancient *Witehagemót* possessed the power of the purse, like all other powers. But in those days the power of the purse was a power of secondary importance. In early times taxation never holds the same prominent place in politics which it does afterwards. But the rule of a series of kings in whose eyes kingship was rather a possession than an office, in whose eyes the kingdom was an estate out of which they had to squeeze the greatest possible income, had made it the most needful thing of all to check the king's power of taking his subjects' money. From this time each parliamentary struggle takes the form of a bargain. The king will redress such and such a grievance, if he receives such and such a grant. By constantly pressing this new power, parliament, and above all that house of parliament in which the power of the purse came to be specially lodged, has gradually won back the powers of the older assemblies. It no longer in form makes war and peace, or elects and deposes kings. It does not even in form elect or depose their ministers. But the body which can grant or refuse the means of carrying on the machinery of government has gradually come to have, in an indirect way, the powers of government once more in its own hands.

Another sign that the remembrance of old wrongs and old distinctions of race had passed away is supplied by a feature of these times which at first sight might seem to prove the contrary. The reigns of the first two Edwards

are exactly the time when the French language was most universally in use as the language of public acts. From this time the laws of England begin to be written in French. The truth is that the predominance of French at this period is no direct tradition of the days of the Norman Conquest. It is simply a sign of the fashion which made French to be looked on as the most polite, as it certainly was the most widely spoken, of Western languages. It was merely a fashion; Edward and his nobles knew and spoke English thoroughly well.<sup>1</sup> But the fact that such a fashion could take root showed that the use of the French language had ceased to call up any memories of the conquest of England by men whose tongue was French. If the use of French called forth any hostile feelings on the part of Englishmen, it was now, not as the speech of a forgotten conquest in their own land, but as the speech of a rival nation beyond the sea. And when French had come to be used simply as a matter of fashion, its supremacy was doomed; in the course of the fourteenth century, English, modified as it was by the indirect effects of the Conquest, gradually won back its old place as the dominant speech of England.

This age, so great in our political history, is of equal importance in the intellectual and religious development of England. It was an age when difference as to theological dogmas was still unknown in England, but when a strong national opposition was growing to the exactions and oppressions of the see of Rome. In the thirteenth century there is no sign of any revolt against the national Church; the nation and the national Church are one in opposition to the foreign enemy. The most remarkable feature of the reign of Henry III. is the union of all classes, barons, clergy, and commons, in the common struggle against pope and king. The series of patriot prelates which begins with Stephen Langton is carried on in Archbishop Edmund the saint—in Robert Grosseteste, saint, scholar, and philosopher—in Walter of Cantelupe, a statesman of a Norman baronial house. The first signs of any jealousy felt towards the national clergy do not begin till the great national strife is over, and till some at least of the English prelates had given in to the new-fangled teaching at Rome. When, at the papal bidding, the English clergy refused for a moment to contribute to the needs of the English state, the great Edward found the means to put them beyond the pale of English law.

The intellectual activity of the thirteenth century, the great creative and destructive century throughout all Europe and civilized Asia, was not small in England. It was the age of the friars. As in the twelfth century the Cistercians had appeared as a reform on the Benedictines, so now the Franciscans, the Dominicans, and the other mendicant orders, began a far more thorough reform of the monastic system. The Cistercians in their wildernesses might practise an ascetic discipline for the good of their own souls; but they did little for other men. The rest of the nation knew them chiefly as diligent growers of wool. But the friars, carrying the vow of poverty to the extreme point, rejecting corporate as well as personal property, fixed themselves by choice in the most squalid quarters of the towns. They were confessors and preachers; presently

<sup>1</sup> When Walter of Hemingburgh (i. 337) records that Edward I. spoke to the Turkish ambassadors in English, it must not be taken, as it has sometimes been misunderstood, as if it meant that Edward's speaking of English was something exceptional. It would have had this meaning, if Edward had been speaking to an Englishman of low degree who was not likely to understand French. But when Edward speaks English to Turks, and has his words interpreted to them by some one who could translate from English into Turkish or Arabic, it shows how familiarly English was spoken by Edward himself and by those about him. So again, in the famous dialogue between Edward and Roger earl of Norfolk, the play on the earl's name *Bigod*, which is found both there and elsewhere, has no force in any language but English.

they became scholars also, and they had a large share in the increased intellectual activity of the universities. Oxford and Cambridge were now established seats of learning, thronged by crowds of masters and scholars. Up to this time masters and scholars had lived where they could and how they could. In the course of the thirteenth century colleges began to be founded. That is, by the bounty of some founder, societies of masters and scholars were brought together as corporate bodies, holding a house for their dwelling-place, and lands or other revenues for their maintenance. The first beginnings of this system were seen in Merton College in Oxford and Peterhouse in Cambridge. The growth of these colleges, which in the end came in a manner to swallow up the universities, is the most distinguishing feature of the English universities, as distinguished from those of other lands. But, though the foundation of the colleges and the influence of the friars in the universities were both fruits of the same movement, it must be remembered that they were wholly distinct fruits. The colleges of Oxford and Cambridge were not monastic foundations, except in a few cases where a great monastery established a college in one of the universities for the education of its own younger members. Otherwise the colleges were strictly secular, and religious vows carried with them a forfeiture of membership. The colleges lived on; the intellectual as well as the religious life of the friars was short. They presently fell away from their first love, and became yet more corrupt than the older orders which held a higher temporal position. But, while the first life of the friars lasted, it was brilliant indeed. They were encouraged by Robert Grosseteste; the friar Adam Marsh was the chosen adviser of Earl Simon. The friar Roger Bacon was the wonder of his own day, a master of knowledge beyond his day, and one who paid the penalty of thus outstripping his fellows.

Suppres-  
sion of  
the Tem-  
plars.

The thirteenth century saw the growth of a new kind of monastic order in the form of the friars. The early part of the fourteenth century saw the fall of one of the great military orders which had arisen in the enthusiasm of the crusades. The Templars, the victims of Philip the Fair and his puppet Pope Clement V., were suppressed in England as elsewhere; but it is something that, even in so bad a time as the reign of Edward II., England had no share in the torturings and murderings which marked the suppression of the order in France. The property of the Templars was for the most part granted to the rival military order of St John, which kept it till the general dissolution of monasteries.

The literature of the thirteenth century was abundant in all the three languages which were then in use in England. The statesmen and historians of Henry II.'s day now give way to the monastic annalists. Pre-eminent over other houses is the school of annalists of St Albans, and pre-eminent among them is the patriotic historian Matthew Paris. He writes of earlier times with little criticism; he cannot be classed on this score either with William of Malmesbury or with William of Newburgh. But he stands at the head of all our annalists as a vigorous, outspoken, narrator of contemporary history, not only in England but in the world in general. He is a bold champion of the popular side, a representative of the English Church and nation against pope and king alike. But it should be noted that all the monastic annalists take the popular side, with the single exception of Thomas Wykes of Oseney, the one royalist chronicler of his day. The civil wars called forth a mass of literature in all three languages. The praises of Earl Simon are sung in French and in Latin; and the English tongue now comes forth with a new mission, as the vehicle, sometimes of satire, sometimes of panegyric upon the great ones of the earth. The Englishman's right of grumbling

Political  
noems.

is immemorial, and from the thirteenth century onwards his grumbling has very commonly taken the shape of outspoken rhymes in his own tongue. But, in an historical and political point of view, the most important work of the time of the civil war is the great political poem in Latin rhyme which sets forth the platform of Earl Simon and the patriots. A clearer and more vigorous assertion of popular principles has never been put forth in any age. English had hardly yet reached the dignity of being employed in such a document as this; but the native literature was advancing during the whole of the thirteenth century. Besides devotional works in prose and verse, it was used in long continued poems on various subjects early in the century. The *Ormulum* of Ormin is religious; the *Brut* of Layamon is legendary. It shows how the tales of Arthur had, even in the minds of Englishmen writing in the English tongue, supplanted the history of their own people. Towards the end of the century our language was put to a better use, in the form of rhyming chronicles, such as those of Robert of Gloucester and the English version of Peter of Langtoft. For a successor to the Peterborough Chronicler, for an English history in English prose, we have still a long time to wait.

In the department of art, the pointed arch, with the details appropriate to that form, was now thoroughly established. In the time of Edward I. the long narrow window of the earlier part of the century began to be exchanged for the large window with tracery, different forms of which lasted as long as mediæval architecture lasted all. But alongside of development in this way, the sculpture of the early part of the century gradually gave way, even early in the fourteenth century, to flatter and less bold forms. In ecclesiastical architecture a new type of church, long, narrow, and simple, quite unlike the picturesque outlines of the older minsters, came in with the friars. Houses began to be larger and more elaborate in plan; but the great change was in military architecture. The massive donjons and shell-keeps of the Norman type grew under the Edwards into castles of vast size and complicated arrangement, planned with great skill according to the military needs of the time. The castle of Caernarvon, begun by the first and continued by the second Edward, shows what is called the Edwardian type of castle in its highest perfection.

By this time the art of warfare in England had seemingly changed altogether from what it had been before the Normans came. And yet the change was after all more seeming than real. In the Scottish wars the English array of cavalry and archers, matched against the Scottish spearmen, seemed to show that the English had altogether adopted the tactics of their Norman conquerors. And so, as regards the weapons in use, they had. But an English army still kept its ancient character of having a national infantry as its main strength. It was the preservation of England as a military power that this was the case. We are now coming to the days of chivalry, the days of brutal contempt for all classes of mankind outside the favoured pale, the days which, in warfare, went far to put mad personal enterprise instead of rational military calculation. England was not wholly untouched by these follies; but she was far less deeply touched by them than their native land of France. The difference showed itself when the two nations were matched together in a long and deadly struggle. The French were in the end successful in war, because England had undertaken a task beyond her powers or the powers of any other nation, the task of subduing and holding a country greater than herself. But the English were invariably successful, even with much smaller numbers, in all the great battles. The cause lay in the different constitution of their armies; and the difference in the constitution of their armies lay

Archite-  
ture of  
the thir-  
teenth  
and four-  
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centuries.

Castles.

deep in the difference of the political condition of the two countries. In France political privilege was the exclusive possession of the noblesse and the chartered towns. In England freedom was the birthright of all above the villain, and even the villain had many ways of reaching freedom open to him. France therefore had a gallant cavalry in her noblesse; for infantry she had either foreign mercenaries or an unworlike rabble. In an English army the infantry, furnished by the mass of the freemen, formed its main strength, and, more than any other arm, won the great battles. In the course of the fourteenth century, the chivalrous type of warfare received a series of deadly blows dealt by a trained infantry of burghers or yeomen. The Flemings at Courtrai, the men of the Three Lands at Morgarten, the men of the more extended League at Sempach, the Scots at Bannockburn, the English at Crecy, are all instances of the same law. Edward III., pre-eminently the chivalrous king, helped to give chivalry its death-stroke.

The French wars.

Of his reign the most prominent feature was the war with France in which that death-stroke was dealt. It is a war which may be looked at from two sides. On the part of the king himself, it was less the warfare of an English king than the warfare of a French prince seeking the French crown. On the part of the English nation it was distinctly a national war. The French influence on England, as distinguished from the earlier Norman element in England, the influence which had been going on ever since the beginning of the thirteenth century, reached its height in Edward the son of the Frenchwoman Isabel. The follies of chivalry, follies so conspicuously French as distinguished from either English or Norman, were now in all their glory. We have reached the days of Froissart, chronicler of knights and ladies. We instinctively feel that Edward III. is less of an Englishman than Edward I. But the nation is purely English. If anything was needed to wipe out the last feeble memory of old distinctions, it was the warfare which Englishmen waged in what was now the French province of Normandy. But, in common justice both to Edward and to his people, it must not be forgotten that, though the French war was in form a war waged to win the crown of France for an English king, it was a war which neither king nor people could well have avoided. Edward was goaded into the war by the ceaseless attempts which the French king made on his duchy of Aquitaine, and by the help which the French king gave to the Scottish enemies of England.

Character of Edward III.

Causes of the war.

Edward's claim to the French crown.

In 1328 the French throne became vacant by the death of Charles IV., the youngest son and last male descendant of Philip the Fair. Edward claimed the crown in right of his mother, the sister of the deceased king. The claim found no support in France, and the crown passed to Philip of Valois, the first cousin of Charles, and the next in succession to the male line. By this decision, just as by the decision of the dispute for the crown of Scotland, a principle was settled, a principle which ever after made the French law of succession different from that of England, Scotland, and Spain. During the 341 years which had passed since the election of Hugh Capet, every king of the French had been succeeded by his own son, and in several cases the succession had been made yet more certain by the coronation of the son in the lifetime of his father. It thus came about that both the notion of hereditary succession as opposed to election, and the notion of direct male succession as opposed to any other rule of succession, had, by this time, taken firmer root in France than in any other kingdom in Europe. The result of a genealogical accident was therefore supposed to spring from an ancient law of the kingdom. As a new jurisprudence had been called up out

of the romances of Charlemagne to insure the forfeiture of John, so a new rule of succession was called up out of the ancient Frankish codes to bar the claim of Edward. We now hear for the first time of the imaginary Salic law, which was held to shut out females from the succession to the French crown. According to modern English law, neither Edward nor Philip was the heir; there were females nearer to the crown than either of them. But Edward's doctrine was that, though a female could not herself inherit, yet her son could inherit through her. He claimed as the male person nearest of kin to the late king. Philip claimed in the simpler character of the next in the male line, passing by females altogether. The question was new; but, as the French crown had never passed either to or through a female, the claim of Philip naturally seemed more in accordance with earlier precedent. But, had the argument lain the other way, had female succession been asserted by the Frenchman and male succession by the foreign prince, we may believe that the native candidate would have found his way to the French crown all the same. How little these genealogical subtleties really went for was shown a little later, when, in the dispute for the duchy of Brittany, Edward appeared as the champion of male, and Philip of female succession.

The supposed Salic law.

When Edward's claim to the French crown was rejected, he did homage (1329) to his rival for his Gascon duchy, though with some reservations which might keep controversy alive. Matters were hastened by a new Scottish war. The English lords who had held and lost estates in Scotland were, by the treaty of Northampton, to receive them again. This article had not been carried out, and in 1332 the disinherited lords made an attempt on Scotland under Edward Balliol, son of the former king John. Once by their own forces, and a second time by English help, they succeeded in placing their candidate on the Scottish throne. He rewarded his allies by ceding southern Scotland to England, and renewing the old dependent relation for the rest of the kingdom. The state of war between England and Scotland thus began again, and with far less show of reason on the English side than there had been in the days of Edward I. But the Scottish war led to consequences still more important than itself. Philip, ever on the watch for opportunities against Aquitaine, gave help to the Scots (1337), as his predecessor had done in the earlier war. It appears that Edward now for the first time called himself King of France, though the regular use of the title did not begin till three years later. As in former wars with France, Edward formed alliances with the Flemish cities and with the emperor Lewis; and it was to satisfy the scruples of the Flemings, whose land was a French fief, that he finally took the title of King of France.<sup>1</sup> Then followed the first part of the War of a Hundred Years, a struggle of twenty years, broken once or twice by truces. This stage is famous for the naval victory of Sluys in 1340, for the more famous land fights of Crecy in 1346 and Poitiers in 1356, and for the capture of Calais in 1347. The captivity of King John of France at Poitiers led to negotiations, and this first stage of the war ended with the peace of Bretigny in 1360. By its terms Edward renounced all claim to the French crown and gave up his French title. On the other hand, all his possessions on the continent, both his hereditary dominions and his recent conquests, Aquitaine, Ponthieu, and Calais, were released from all homage to the French crown. Calais may be said to have been incorporated with England, and it was afterwards

Scottish war of Edward Balliol.

Philip helps the Scots.

Edward takes the title of King of France.

The Hundred Years' War begins.

<sup>1</sup> The usual Latin title of the French kings had always been national and not territorial: "Rex Francorum," not "Rex Francia." But, as the territorial style was now fully established in England, Edward called himself "Rex Francia et Anglia." The territorial style was finally adopted by the French kings when the French crown passed to a king of Navarre. The style then became "Rex Francia et Navarra," till the ancient title was revived in 1791.

represented in the English parliament. Aquitaine, now become independent of France, as Scotland had become independent of England, was granted by Edward to his famous son Edward the Black Prince, who kept his court at Bourdeaux, now the capital of a sovereign state.

The long alliance between France and Scotland against England had now fairly set in, and the Scottish war went on alongside of the French war. In 1346 the king of Scots, David Bruce, invaded England and was taken prisoner, as John of France was ten years later. In the same year as this last event Edward Balliol surrendered his claim to Edward of England, who presently invaded Scotland in the new character of its immediate sovereign. In 1357 David was released, and was described in the treaty as King of Scotland. In later documents however the title was not given either to him or to his successor Robert, the first of the Stewart kings. A desultory and occasional warfare long went on, and the claims of the English kings, either to the old superiority or, by the cession of Edward Balliol, to the Scottish crown itself, are ever and anon put forward. England had now, in the form of Scotland and France, a standing enemy on each side.

Second French war.

The peace of Bretigny was not long kept. The English rule in Aquitaine was, speaking generally, acceptable to the cities; but the French connexion was more to the taste of the nobles. The prince of Aquitaine presently embroiled himself in the affairs of Spain, supporting Pedro the Cruel of Castile against his brother Henry. In 1367 he won the splendid but useless victory of Navarete or Nujara; but the cost of the expedition led to injudicious taxation in Aquitaine. Though the principality no longer owed homage to the French crown, those who deemed themselves aggrieved appealed to the French king as superior lord. Charles V., who had succeeded John in 1364, accepted the appeal, and summoned the prince of Aquitaine to his court. A new war began, which, often carried on with much languor, often interrupted by truces, but not ended by any formal peace, lasted till the treaty of Troyes in 1420. The peace was clearly broken by the French, and Edward again took up the title of King of France. But fortune now distinctly turned to the French side. The most striking event of the war was the recovery and massacre of Limoges by the prince of Aquitaine in 1370. The prince now came to England to end his days more worthily as a patriotic statesman. The war went on, till in 1374 all was lost save Calais, the great southern cities of Bourdeaux and Bayonne, and a few other points in the south. The last few years of Edward's reign were a time of truce.

Reign of Richard II.

The change from the reign of Edward III. to that of Richard II. is in some points like the change from the reign of Edward I. to that of Edward II. The leading events again touch the internal rather than the external history. The internal history of the reign of Edward III. is of the highest importance. But it is of an importance wholly constitutional and social. It is not marked on the surface by any striking internal events. In the reign of Richard we have over again the same kind of internal events which mark the reign of Edward II., but with the addition of a great social struggle to which we have seen no parallel in earlier times. But, if there is much in common in the two reigns, there is a marked difference between the two men. Richard, if foolish and extravagant, was not weak; he had distinct political aims; he seems to have seriously designed the establishment of a despotic power in the crown. His accession marks another stage in the growth of the doctrine of hereditary succession. Richard, the minor son of the Black Prince, succeeded his grandfather without opposition, without any public mention of any claims on the part of his uncles, the surviving sons of

Succession of grandsons.

the late king. In fact the dissatisfaction which was shown at a vague rumour that the young king's eldest uncle John of Gaunt, duke of Lancaster, had designs on the crown, shows how men's ideas on such matters had changed, not only since the days of Ælfred, but even since the days of John. In the reign which thus began foreign affairs became quite secondary. The wars both with France and Scotland go on, but they go on for the most part languidly; occasional raids alternate with truces. But the very beginning of Richard's reign saw an actual French invasion of England, in which the Isle of Wight was ravaged and Hastings burned. The French war was ended, as far as this reign is concerned, by Richard's second marriage with Isabel of France in 1396, which was accompanied by a truce for twenty-five years.

The first marked internal event of Richard's reign was the result of political, social, and religious causes which had been busily at work during the reign of Edward. The immediate occasion of the famous outbreak of Richard's time was a poll-tax which was laid on by parliament in 1380. The peasant revolt of the next year followed. The spirit shown by the young king in the famous story of the death of Wat Tyler has often been dwelled on, as if it were something exceptional. But Richard did not lack spirit at any time; and at this time his spirit was chiefly shown in making promises which were not, and could not be, carried out. The revolt was put down, and the rest of the internal history of the reign consists of disputes, not so much between the king and the people or the barons in general as among his uncles, his favourites, and his ministers. One of Richard's favourites, Michael de la Pole, earl of Suffolk, deserves notice, less on his own account than as one who, sprung from a merchant family at Kingston-on-Hull, rose to the height of power. Though he himself fell from power and died in obscurity, yet he was in the end the founder of a ducal house. We thus see that the contempt for trade which had lately come in among the other follies of chivalry was, after all, not very deep set. Richard's other chief favourite was Robert Vere, of the house of the earls of Oxford, whom he raised to the rank of marquess of Dublin, and at last to that of duke of Ireland. The year 1386 saw the fall of the favourites; and the impeachment of the earl of Suffolk by the Commons marks a constitutional stage. This time the accused escaped with a slight punishment; but, as in the times of Henry III. and Edward II., the royal authority was transferred to a council under the duke of Gloucester. The next year the king attempted a revolution; but a new impeachment followed, on which both the favourites were condemned to death as traitors in a parliament known as the Wonderful and the Merciless; but they escaped beyond sea. In 1389 the king, by a sudden stroke, won back his power. For a while his rule was constitutional and seemingly not unpopular; but he gradually aimed at despotism. In 1397 he procured the overthrow of his uncle the duke of Gloucester and the chief of the nobles of his party, contriving that all that was done openly should be under legal forms. Duke Thomas died in a mysterious way. His chief adherent, the earl of Arundel, was beheaded. In the next year, on occasion of a judicial combat between Thomas Mowbray, duke of Norfolk, and the king's cousin Henry, duke of Hereford, the son of John of Gaunt, the king arbitrarily banished both disputants, but promised them the possession of their estates. But in breach of this promise, when John of Gaunt died in 1399, Richard seized on the inheritance of his son. He then chose this very inopportune moment to go personally to settle the disturbances of Ireland. During his absence Henry came back; Richard, on his return, found himself generally forsaken, and he was presently deposed by parliament. The election

Revolutions of Richard's reign.

Impeachment by the Commons.

Richard's deposition.