THE

HISTORY OF ENGLAND.

VOL II.

THE

HISTORY OF ENGLAND,

FROM THE FIRST

INVASION BY THE ROMANS

TO THE

ACCESSION OF WILLIAM AND MARY

IN 1688.

By JOHN LINGARD, D.D.

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HISTORY

OF

ENGLAND

CHAPTER I.

HENRY I

SURNAMED BEAUCLERK OR THE SCHOLAR—A.D 1100

CONTEMPORARY PRINCES

K. of Germ.		*K. of Scotland*		*K. of France*		*K. of Spain.*	
Henry IV	1106	Edgar	1106	Philip I.	1108	Alphonso VI	1109
Henry V	1125	Alexander I	1124	Louis VI.		Alphonso VII	1134
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ACCESSION OF HENRY—INVASION BY DUKE ROBERT—HENRY IN NORMANDY—MAKES ROBERT PRISONER—DISPUTE CONCERNING INVESTITURES—WAR IN NORMANDY—STORY OF JULIANA, THE KING'S DAUGHTER—SHIPWRECK OF HIS SON WILLIAM—SETTLEMENT OF THE CROWN ON MATILDA—HIS ADMINISTRATION OF JUSTICE—RELIEF TO THE TENANTS OF THE CROWN LANDS—EXTORTION OF MONEY—DISPUTE RESPECTING LEGATES—DEATH AND CHARACTER OF HENRY—HIS MINISTERS—STATE OF LEARNING

FOUR years were now elapsed, since Robert of Normandy had abandoned his dominions in Europe to earn a barren wreath of glory in the fields of Palestine. Accompanied by Hugh of Vermandois, and Robert of Flanders, he had passed the Alps, received the benediction of the pontiff at Lucca, and joined the crusaders under the walls of Constantinople. At the siege of Nice he held an important command, in the battle of Dorylæum his exhortations and example sustained the fainting courage of the Christians, at the reduction of Antioch the praise of superior prowess was shared between him and Godfrey of Bouillon,[1] and if, during a reverse of fortune, he slunk with several others from the pressure of famine and the prospect of slavery, this temporary stain was effaced by his return to the army, his exploits in the field, and his services in the assault of Jerusalem. The crown of that city was given to Godfrey, the most worthy of the confederate chieftains; but, if we may believe

[1] It was believed that Godfrey with a stroke of his sword had divided the body of a Turk from the shoulder to the opposite haunch; and that Robert by the descent of his falchion had cloven the head and armour of his adversary from the crown to the chest.

the English historians, it had been previously offered to Robert, who, with more wisdom than he usually displayed, preferred his European dominions to the precarious possession of a throne surrounded by hostile and infidel nations [1]

By priority of birth, and the stipulation of treaties, the crown of England belonged to Robert He had already arrived in Italy on his way home, but, ignorant of the prize that was at stake, he loitered in Apulia to woo Sibylla, the fair sister of William of Conversana [2] Henry, the younger brother, was on the spot he had followed Rufus into the forest, and the moment that he heard the king was fallen, spurring his horse, he rode to Winchester, to secure the royal treasures William de Breteuil, to whose custody they had been intrusted, arrived at the same time, and avowed his determination to preserve them for Robert, the rightful heir The prince immediately drew his sword, and blood would have been shed, had not their common friends interposed, and prevailed on Breteuil to withdraw his opposition As soon as Henry had obtained possession of the treasures and castle, he was proclaimed king, and, riding to Westminster, was crowned on the Sunday, the third day after the death of his brother The ceremonial was the same which had been observed in the coronation of the Anglo-Saxon kings, and was performed by Maurice, bishop of London, in the absence of Anselm, and the vacancy of the archiepiscopal see of York [3]

On the same day care was taken to inform the nation of the benefits which it would derive from the accession of the new monarch. To strengthen the weakness of his claim by connecting it with the interests of the people, he published a charter of liberties, copies of which were sent to the several counties, and deposited in the principal monasteries In this instrument, 1° he restored to the church its ancient immunities, and promised neither to sell the vacant benefices, nor to let them out to farm, nor to retain them in his own possession for the benefit of his exchequer, nor to raise tallages on their tenants 2° He granted to all his barons and immediate vassals (and required that they should make the same concession to *their* tenants) that they might dispose by will of their personal property; that they might give their daughters and female relatives in marriage without fee or impediment, provided the intended husband were not his enemy, that for breaches of the peace and other delinquencies they should not be placed at the king's mercy, as in the days of his father and brother, but should be condemned in the sums assigned by the Anglo-Saxon laws, that their heirs should pay the customary reliefs for the livery of their lands, and not the arbitrary compensations which had been exacted by his late brother, that heiresses should not be compelled by the king to marry without the consent of the barons, that widows should retain their dowers, and not be given in marriage against their will. and that the wardship of minors should, together with the custody of their lands, be committed to their mothers, or nearest relations 3° To the nation at large he promised to put in

[1] Gerv. Tilb apud Bouquet, xiv 13

[2] Her father Geoffrey was the nephew of Robert the Guiscard.—Orderic, 780.

[3] Orderic, 783 Malm. 88 Chron Sax 208. Malmsbury says that he was crowned by Thomas of York (De Pont 155, b), St Thomas of Canterbury that the ceremony was performed by Gerard, bishop of Hereford · on which account it was performed a second time by Anselm on his return to England. Ep S. Thom 1. 68, edit. Giles.

force the laws of Edward the Confessor, as they had been amended and published by his father, to levy no moneyage which had not been paid in the Saxon times, and to punish with severity the coiners and venders of light moneys. He exempted from all taxes and burthens the demesne lands of all his military tenants, forgave all fines due to the exchequer, and the pecuniary mulcts for "murder" committed before his coronation, and ordered, under the heaviest penalties, reparation to be made for all injustices perpetrated in consequence of the death of his brother Such are the provisions of this celebrated charter, which is the more deserving of the reader's notice, because, by professing to abolish the illegal customs introduced after the Conquest, it shows the nature of the grievances which the nation had suffered under the two Williams Henry, however, retained both the royal forests and the forest laws, but as a kind of apology he declared, that in this reservation he was guided by the advice, and had obtained the consent of his barons. He added at the same time a very beneficial charter in favour of the citizens of London [1]

Hitherto the moral conduct of Henry had been as questionable as that of his late brother policy now taught him to assume the zeal and severity of a reformer. He dismissed his mistresses, drove from his court the men who had scandalized the public by their effeminacy and debaucheries,[2] and sent to hasten the return of Archbishop Anselm with expres-

[1] Stat of Realm, i 1 Leg Sax 233 Ric Hagul 310, 311 Henry's charter is a very important document, as it professes to restore the law to the same state in which it had been settled by William the Conqueror Legem regis Edvardi vobis reddo cum illis emendationibus quibus eam pater meus emendavit consilio baronum suorum — Stat 2 Hence we may infer that at that period the crown derived no emolument from the custody of the vacant benefices, that it opposed no impediment to the marriages of the female relations of its tenants, that the great council of tenants decided on the marriages of heiresses, that widows were allowed to marry according to their own choice, that the custody of the heir and his lands was given to the mother and his near relations, that the amount of reliefs was fixed by law, and that there were estates called rectæ hæreditates, which paid no relief at all, that the disposition of personal property by will was valid without the consent of the sovereign, that the personalty of intestates was divided by the nearest relatives, and that amerciaments, by which the personal estate of the delinquent was placed at the mercy of the king, were unknown All the contrary practices had grown up during the last years of the Conqueror, and the reign of Rufus, particularly under the administration of Flambard To the charter is added a law treatise in ninety-four chapters, drawn up by an unknown writer, evidently with the intention of instructing the judges in the law, as it stood in the time of Edward the Confessor, and as it was amended by William the Conqueror, and had now been restored by Henry.—Leg. Sax 236—283 It is hardly necessary to add, that when the king found himself firmly seated on the throne, he restored all the grievances which he had previously abolished

[2] Effœminatos curia propellens, lucernarum usum noctibus in curia restituit, qui fuerat tempore fratris intermissus —Malm 88 Why lights had been prohibited in the palace of William, or were now restored by Henry, I am unable to explain But the effœminati are so frequently mentioned by our ancient writers, that they demand some notice They were the fashionable young men of the time, and received that appellation from their manner of dressing, which approached to that of women They wore tunics with deep sleeves, and mantles with long trains The peaks of their shoes (pigacie) were stuffed with tow, of enormous length, and twisted to imitate the horn of a ram or the coils of a serpent, an improvement lately introduced by Faulk, earl of Anjou, to conceal the deformity of his feet. Their hair was divided in front, and combed on the shoulders, whence it fell in ringlets down the back, and was often lengthened most preposterously by the addition of false curls This mode of dressing was opposed by the more rigid among the clergy, particularly the manner of wearing the hair, which was said to have been prohibited by St Paul. "If a man nourish his hair, it is a shame to him"—1 Cor xi 14 But after a long struggle, fashion triumphed over both the clergy and the apostle —See Malmsbury, 88, 99; Eadmer, 23, 106, and Orderic, 682 The latter adds, that they were addicted to the most abominable vices sodomiticus spurcitus fœdi catamitæ.—Ibid.

sions of the highest regard and veneration for his character. At the solicitation of the prelates he consented to marry, and the object of his choice was Matilda or Maud, the daughter of Malcolm, king of Scots, by Margaret, the sister of Edgar the Etheling a princess whose descent from the Anglo-Saxon monarchs was expected to add stability to his throne, and to secure the succession to his posterity. An objection was, however, made to their union, which nearly defeated his hopes The princess in her childhood had been intrusted to the care of her aunt Christina, abbess of Wilton, who, to preserve the chastity of her niece from the brutality of the Norman soldiers, had compelled her to wear the veil, and to frequent the society of the nuns Hence it was contended that, according to the ecclesiastical canons, she was no longer at liberty to marry, but in a synod of the prelates the objection was overruled in conformity with a former decision of Archbishop Lanfranc on a similar occasion The marriage was celebrated, and the queen crowned with the usual solemnity by Anselm, who had returned to England, and resumed the administration of his diocese [1]

To satisfy the clamour of the people, Henry had committed to the Tower Flambard, bishop of Durham, the obnoxious minister of the late king. The prelate lived sumptuously in his confinement on the allowance which he received from the Exchequer, and the presents which were sent to him by his friends; and by his wit, cheerfulness, and generosity, won the good will, while he lulled the vigilance, of his keepers. In the beginning of February he received a rope concealed in the bottom of a pitcher of wine. The knights who guarded him were, as usual, invited to dine they drank copiously till it was late in the evening; and soon after they had lain down to rest, Flambard, with the aid of his rope, descended from the window, was conducted by his friends to the sea-shore, and thence escaped into Normandy [2] In Normandy he found Duke Robert, who had married Sibylla, and returned to his duchy within a month after the death of his brother By his former subjects he had been received with welcome, but his claim to the English crown, though he meant to enforce it, was postponed to a subsequent period. Pleasure, not power, was his present object. he wished to exhibit to his Normans the fair prize which he had brought from Apulia, and her fortune, a very considerable sum, was consumed in feastings and pageantry [3] But the arrival and suggestions of Flambard awakened his ambition, and

[1] Eadmer, 56—58 Alured Bev 144 From the proceedings in the council held on this occasion it appears, that at the time of the Conquest there was no security for females, unless they took refuge in a convent Suo pudori metuentes monasteria virginum petivere, acceptoque velo sese inter ipsas a tanta infamia protexere.—Ead. ibid Matilda traced her descent from the Anglo Saxon kings in this manner —

Edmund Ironside.
|
Edward
|
—————
| |
Edgar Margaret.
|
Matilda.

[2] Orderic, 786.

[3] Malm 86. Sibylla died in 1103 of poison, administered, it was believed, by Agnes, dowager-countess of Buckingham, who, as she possessed the affections, was also ambitious to share the honours, of the duke.—Orderic, 810. Malmsbury's account is different.

turned his thoughts from pleasure to war. His vassals professed their eagerness to fight under a prince who had gained laurels in the Holy Land; tenders of assistance were received from England, and a powerful force of men-at-arms, archers, and footmen, was ordered to assemble in the neighbourhood of Tresport On the English barons who had engaged to espouse his cause, Robert de Belesme, William de Warenne, Ivo de Grentesmenil, and Walter Giffard, he bestowed some of the strongest fortresses in Normandy. His object was to secure their co-operation; but he had reason to regret a measure which weakened his power, and ultimately caused his ruin [1]

Henry beheld with disquietude the preparations of his brother, but trembled still more at the well-known disaffection of his barons. By Robert de Meulant, the most trusty and favoured of his ministers, he was advised to make every sacrifice for the preservation of his crown; to promise whatever should be asked, to divide among the suspected the choicest of the royal demesnes and to wait til the hour of danger was past, when he might resume these concessions, and punish the perfidy of the men who had presumed to sell to their sovereign those services which they already owed him by their oaths. At Whitsuntide Henry held his court every petition was granted; the charter was renewed, and in the hands o Anselm, as the representative of the nation, the king swore faithfully to fulfil all his engagements. His army was collected at Pevensey, on the coast of Sussex: Robert, conducted by the mariners, whom Flambard had debauched from their allegiance, reached the harbour of Portsmouth. To secure the city of Winchester became to each prince an object of the first importance. Though Robert was nearer, he was delayed by the debarkation of his troops, and Henry overtook him on his march By the neighbourhood of the two armies the spirit of revolt was again awakened among the Anglo-Norman barons, but the natives remained faithful to Henry, and Anselm devoted himself to his interests He harangued the troops on the duty of allegiance, recalled from the camp of Robert some of the deserters, confirmed the wavering loyalty of others, and threatened the invaders with the sentence of excommunication After several fruitless and irritating messages, Henry demanded a conference with his brother. The two princes met in a vacant space between the armies, conversed for a few minutes, and embraced as friends. The terms of reconciliation were immediately adjusted. Robert renounced all claim to the crown of England, and obtained in return a yearly pension of three thousand marks, the cession of all the castles which Henry possessed in Normandy, with the exception of Damfront, and the revocation of the judgment of forfeiture, which William had pronounced against his adherents It was moreover stipulated, that both princes should unite to punish their respective enemies, and that if either died without legitimate issue, the survivor should be his heir Twelve barons on each side swore to enforce the observance of these articles.[2]

It was not, however, in the disposition of Henry to forget or forgive. Prevented by the treaty from chastising the public disaffection of his Anglo-Norman barons, he sought pretexts of revenge in their private conduct. Spies were appointed to watch

[1] Idem, 787.

[2] Eadmer, 5 Orderic, 788. Chron. Sax. 209, 210.

them on their demesnes, and in their intercourse with their vassals charges of real or pretended transgressions were repeatedly brought against them in the king's court, and each obnoxious nobleman in his turn was, justly or unjustly, pronounced a criminal and an outlaw. Of the great families, the descendants of the warriors who had fought with the Conqueror, the most powerful successively disappeared, and in opposition to the others Henry's jealousy selected from the needy followers of the court, men whom he enriched with the spoils of the proscribed, and raised to an equality with the proudest of their rivals. To these he looked as to the strongest bulwarks of his throne, for since they owed their fortunes to his bounty, their own interest, if not their gratitude, would bind them firmly to his support.[1]

Among the outlaws were Robert Malet, Ivo de Grentesmenil,[2] Warenne, earl of Surrey, William, earl of Moretain and Cornwall, and Robert de Belesme, earl of Shrewsbury. The last, the son of the great Montgomery, deserves some notice. He was the most powerful subject in England, haughty, rapacious, and deceitful In these vices he might have many equals in cruelty he rose pre-eminent among the savages of the age He preferred the death to the ransom of his captives, it was his delight to feast his eyes with the contortions of the victims, men and women, whom he had ordered to be impaled he is even said to have torn out the eyes of his godson with his own hands, because the father of the boy had committed some trivial offence, and had escaped from his vengeance[3] Against this monster, not from motives of humanity but of policy, Henry had conceived the most violent hatred. He was cited before the king's court the conduct of his officers in Normandy as well as in England, his words no less than his actions, were severely scrutinized, and a long list of five-and-forty offences was objected to him by his accusers The earl, according to custom, obtained permission to retire, that he might consult his friends but instantly mounted his horse, fled to his earldom, summoned his retainers, and boldly bade defiance to the power of his prosecutor Henry cheerfully accepted the challenge, and began the war with the investment of the castle of Arundel, which, after a siege of three months, surrendered by capitulation Belesme, in the interval, had fortified Bridgenorth, on the left bank of the Severn, and placed in it a garrison of seven hundred men, but the townsmen, intimidated by the menaces of the king, rose upon their defenders, and opened the gates to the royal forces. Shrewsbury still remained in his possession. From that city to Bridgenorth the country was covered with wood, and the only road ran through a narrow defile between two mountains, the declivities of which he had lined with his archers Henry ordered the infantry, sixty thousand men, to open a passage in a few days the trees were felled, and a safe and spacious road conducted the king to the walls of Shrewsbury. At his arrival despair induced Belesme to come forth on foot he offered the keys of the place to the conqueror, and surrendered himself at discretion His life was spared, but he was com-

[1] Orderic, 804, 805

[2] Ivo was accused of having made war on his neighbours, quod in illa regione crimen est inusitatum, nec sine gravi ultione fit expiatum —Orderic, 805 This was the great merit of the Conqueror and his sons They compelled the barons to decide their controversies in the king's court, instead of waging war against each other

[3] Orderic, 814, 841. Ang Sac. ii 698, 699 Malm 89.

pelled to quit the kingdom, and to promise upon oath never to return without the royal permission.[1]

Hitherto the duke had religiously observed the conditions of peace He had, even on the first notice of Belesme's rebellion, ravaged the Norman estates of that nobleman Sensible, however, that the real crime of the outlaws was their former attachment to his interest, he unexpectedly came to England at the solicitation of the earl of Surrey, and incautiously trusted himself to the generosity of an unfeeling brother He was received indeed with a smile of affection, but soon found that he was in reality a captive, instead of interceding in favour of others, he was reduced to treat for his own liberty and as the price of his ransom, gladly resigned his annuity of three thousand marks, which, to save the honour of the two princes, was received as a present by the queen Matilda.[2] After such treatment Robert could not doubt of the hostility of his brother, and in his own defence he sought the friendship, and accepted the services of the outlaw Belesme, who still possessed thirty-four castles in Normandy. Henry received the intelligence with pleasure, pronounced the alliance between himself and Robert at an end, accepted, perhaps procured, invitations from the enemies of the duke, and resolved to transfer the Norman coronet to his own head.[3] He had even the effrontery to assume credit for the purity of his motives, and to hold himself out as the saviour of an afflicted country It may, indeed, be, as his panegyrists assert, that the duke was weak and improvident, that he spent his time and his money in the pursuit of pleasure, and submitted to be robbed by his mistresses and his riotous companions, that he suffered his barons to wage war on each other, and to inflict every species of calamity on his subjects:[4] still it will be difficult to believe that it was pity and not ambition, a hope to relieve the distresses of his countrymen, and not a desire to annex Normandy to his dominions, which induced Henry to unsheath the sword against his unfortunate brother The first campaign passed without any important result: in the second the fate of Normandy was decided before the walls of Tenchebrai The king had besieged that fortress, and Robert on an appointed day approached with all his forces to its relief The action was bloody and obstinate; but Helie de la Fleche, who fought on the side of Henry, unexpectedly attacked the enemy in flank; and the duke, the earl of Moretain, Robert de Stuteville, Edgar the Etheling,[5] and four hundred knights, fell into the hands of the conquerors. To some of his captives the king gave their freedom, others he released for a stipulated ransom, Moretain and Stuteville were condemned to perpetual imprisonment. The fate of Robert was delayed for a short time His presence was wanted to procure from his officers the surrender of their trusts: as soon as he ceased to be useful, he was sent to England, and kept in confinement till death. In the course of a few weeks Belesme, through the interest of Helie, obtained permission to retain a portion of his estates; and Flambard purchased with the surrender of Lisieux, the restoration of his bishopric[6] Henry summoned the

[1] Orderic, 806—808 Malm 88 Chron Sax 210 Flor. 650, 651

[2] Chron Sax 211. Malm. 88 Orderic, 805 Flor 652

[3] Chron Sax 212 Orderic, 808, 813

[4] Orderic, 815, 821 Malm 86, 89

[5] Edgar was set at liberty by Henry — Chron Sax 214. It is the last time that mention is made of that prince.

[6] Eadmer, 90 Malm. 89 Hunt. 217. Orderic, 820—822. The duke was made prisoner by Galdric, the king's chaplain, who was rewarded for his services with the bishopric of Landaff. But this warlike prelate soon incurred the hatred of the citizens, and was murdered in a field with five of his prebendaries —Orderic, 821.

Norman barons to that city, where he was acknowledged duke without opposition.[1]

While the king had thus been employed in chastising his enemies, and stripping an unfortunate brother of his dominions, he was engaged in a less successful quarrel with Anselm and the court of Rome concerning the right of investiture. To understand the subject of the controversy, the reader should know that according to ancient practice the election of bishops had generally depended on the testimony of the clergy and people, and the suffrage of the provincial prelates But the lapse of years, and the conversion of the barbarous nations, had introduced important innovations into this branch of ecclesiastical polity The tenure of clerical, was assimilated to that of lay, property; the sovereign assumed the right of approving of the prelate elect, and the new bishop or abbot, like the baron or knight, was compelled to swear fealty, and to do homage to his superior lord. The pretensions of the Crown were gradually extended. As it was the interest of the prince that the spiritual fiefs should not fall into the hands of his enemies, he reserved to himself the right of nomination, and in virtue of that right *invested* the individual whom he had nominated, with the ring and crosier, the acknowledged emblems of episcopal and abbatial jurisdiction. The Church had observed with jealousy these successive encroachments on her privileges: in the general councils of Nice in 787, and of Constantinople in 869, the nomination of bishops by lay authority had been condemned: in 1067 the former prohibitions were renewed by Gregory VII; and ten years afterwards Victor III., in a synod at Beneventum, added the sentence of excommunication both against the prince who should presume to exercise the right of investiture, and the prelate who should condescend to receive his temporalities on such conditions. But it was in vain that the thunders of the Church were directed against a practice enforced by sovereigns, who refused to surrender a privilege enjoyed by their predecessors, and defended by prelates who were indebted to it for their wealth and importance The contest between the two powers continued during half a century, nor was it without mutual concessions that claims so contradictory could be amicably adjusted.

It should, however, be remembered that the right for which the sovereigns contended, had at this period degenerated into a most pernicious abuse The reader is already acquainted with the manner in which it had been exercised by William Rufus, who for his own profit refused on many occasions to fill the vacant benefices, and on others degraded the dignities of the Church by prostituting them to the highest bidder In France and Germany similar evils existed even to a greater extent In Normandy the indigence of Robert had suggested an improvement on the usual practice, by selling the reversion of bishoprics in favour of children, and granting for a proportionate sum more than one diocese to the same prelate[2] Every good man was anxious to suppress these abuses, and the zeal of the pontiffs was stimulated by the more virtuous of the episcopal order. Among these we must number Anselm. During his exile he had assisted at the councils of Bari and Rome, in which the custom of investiture had been again condemned, and the sentence of excommunication against the guilty had been renewed. At his first interview with Henry, he intimated in respectful terms his inflexible

[1] Orderic, 823, 833.

[2] Ivon Carnot. epist. 178, 179, 181.

resolution to observe the discipline approved in these synods; and the king avowed an equally fixed determination to retain, what he conceived to be, the lawful prerogative of his crown. He stood, however, at that moment on very slippery ground Without the aid of the primate he knew not how to put down the partisans, or to resist the forces of his brother Robert; it was more prudent to dissemble than to throw the clergy into the arms of his competitor, and by mutual consent the controversy was suspended, till an answer could be procured from the pope, which answer, as both had foreseen, was unfavourable to the pretensions of the monarch.[1] It would exhaust the patience of the reader to descend into the particulars of this dispute, to notice all the messages that were sent to Rome, and the answers returned to England; the artifices that were employed to deceive, and the expedients suggested to mollify Anselm. At last, by the king's request, he undertook, aged and infirm as he was, a journey to Italy, to lay the whole controversy before the pontiff, on his return he received an order to remain in banishment till he should be willing to submit to the royal pleasure The exile retired to his friend the archbishop of Lyons, under whose hospitable roof he spent the three following years. In the interval Henry was harassed by the entreaties of his barons and the murmurs of the people: his sister Adela, countess of Blois, and his queen Matilda, importuned him to be reconciled to the primate, and Paschal II, who had already excommunicated his advisers, admonished him that in a few weeks the same sentence would be pronounced against himself. The king, who was not prepared to push the dispute to this extremity, discovered a willingness to relent. Anselm met him at the abbey of Bec, and both, in the true spirit of conciliation, consented to abandon a part of their pretensions. As fealty and homage were civil duties, it was agreed that they should be exacted from every clergyman before he received his temporalities · as the ring and crosier were considered to denote spiritual jurisdiction, to which the king acknowledged that he had no claim, the collation of these emblems was suppressed[2] On the whole the Church gained little by the compromise It might check, but did not abolish, the principal abuse. If Henry surrendered an unnecessary ceremony, he still retained the substance The right which he assumed of nominating bishops and abbots was left unimpaired, and, though he promised not to appropriate to himself the revenues of the vacant benefices, he never hesitated to violate his engagement.[3]

The possession of Normandy soon

[1] See Henry's letter to Paschal in Brompton, 999, and Paschal's answer in Eadmer, 59

[2] Eadmer, 56—91.

[3] This controversy continued to embitter the life of Pope Paschal. About three years after the compromise with the king of England, Henry IV of Germany consented to abandon the right of investiture on condition that the pontiff would crown him in Rome But as soon as he was admitted within the walls he seized on Paschal, conveyed him to a castle in the neighbourhood, and kept him in confinement for two months To obtain his liberty, the pope confirmed to Henry the contested right, and solemnly swore never to excommunicate or molest him for his exercise of it This acquiescence of Paschal was severely condemned, provincial synods were assembled, the emperor was excommunicated; and the pope was harassed with complaints and reproofs. Unable to exculpate himself to the satisfaction of the more zealous of the prelates, he condescended to appear in the council of Lateran in 1112 without the ensigns of his dignity, and to submit his conduct to public inquiry By order of the fathers, the charter granted to Henry was burnt, and that prince was excommunicated But Paschal himself, out of reverence to his oath, refused to pronounce the sentence, and persisted in that refusal till death — Baron. ad ann. 1111, 1112. Malm. 94.

involved the king in hostilities with the neighbouring princes. William, the only son of the captive duke, was but five years old at the time of the battle of Tenchebrai; and Henry, after caressing the boy, gave him to the custody of Helie de St. Saen, who had married an illegitimate daughter of Robert. But it was suggested by his advisers that the young prince might at some future period claim the dominions of his father, and a trusty officer was despatched to surprise the castle of St Saen, and secure the person of William. Helie was absent, but the ingenuity of his servants defeated the diligence of the royal messenger; and the tutor readily abandoned his estates to insure the safety of his pupil The son of Robert was conducted by him from court to court; and everywhere his innocence and misfortunes gained him partisans and protectors Among the most powerful were Louis, king of France, and Fulk, earl of Anjou Louis engaged to grant him the investiture of Normandy, Fulk to give him his daughter Sibylla in marriage promises, the performance of which was for the present suspended on account of his minority In the mean while Helie de la Fleche died. Henry claimed his earldom of Mans as an appendage of Normandy Fulk seized it in right of his wife, the only daughter of Helie The former was assisted by his nephew Theobald, earl of Blois, the latter by his superior lord the king of France. During two years victory seemed to oscillate between these competitors; and each ephemeral success, by whomsoever it was gained, invariably produced the same effects, the pillage of the country, and the oppression of the inhabitants. At length a peace was concluded, by the conditions of which the interests of the Norman prince were abandoned Matilda, a daughter of Fulk, was promised in marriage to William, the son of Henry: and the earl was permitted to keep possession of Mans, as the feudatory of the English monarch. During the war the king had arrested Belesme, and confined him for life in the castle of Wareham.[1]

As William of Normandy advanced in age, the hopes of his partisans increased Baldwin, earl of Flanders, with whom he had found an honourable retreat during the last five years, engaged to assist him with all his power, Louis, notwithstanding the peace, was induced to draw the sword in the same cause, even Fulk of Anjou agreed to join the confederates. All these princes had individually reasons to complain of Henry, they were willing to sanctify their resentments by espousing the interests of an injured orphan. Thus the embers of war were rekindled, and the flame stretched from one extremity of Normandy to the other. During more than three years fortune seemed to play with the efforts of the combatants. At first Louis was compelled to solicit the forbearance of the king of England, then success upon success waited on his arms, afterwards Baldwin died of a slight wound received at the siege of Eu, next Fulk of Anjou, induced by a considerable bribe, and the actual marriage of his daughter to Henry's son, withdrew from the allies; and at last the decisive though almost bloodless victory of Brenville, gave the superiority to the king of England. By accident, Henry and Louis met in the vicinity of Noyon. Henry had five, Louis four hundred knights. The French fought on horseback; the English, with the exception of one-fifth of their number, fought on foot. During the engagement, both princes displayed the most determined courage, and both were in the most imminent

[1] Orderic, 837—841.

danger Henry received two blows on the head; but though the violence of the shock forced the blood from his nostrils, such was the temper of his helmet that it resisted the edge of the battle-axe The horse of Louis was killed under him, and it was with difficulty that he escaped on foot in the crowd of fugitives. His standard and one hundred and forty knights remained in the hands of the conquerors. William of Normandy was in the battle, but saved himself by flight [1]

An end was put to hostilities by the paternal industry of the pontiff, Calixtus II. Louis, attended by the son of Robert, appeared in the council of Rhemes, and in a speech of some eloquence had accused Henry of cruelty, injustice, and ambition. The royal orator was answered by the archbishop of Rouen, but this prelate was heard with impatience, and frequently interrupted by the partisans of France. At the termination of the council, Calixtus himself visited Henry, to whom he was allied by descent and the king of England attempted to justify or palliate his conduct in the presence of the pope He denied that he had taken Normandy from his brother That brother had previously lost it by his indolence and folly. All that he himself had done, was to wrest the ancient patrimony of his family from the hands of the traitors and rebels, into whose possession it had fallen. Neither was it true that Robert was kept in prison. He was treated as a prince who had retired from the cares and fatigues of government He lived in a royal castle, was served with princely magnificence, and enjoyed every amusement that he desired. As for William, Henry assured the pontiff that he felt the affection of an uncle for the young prince; that it had been his intention to have educated him with his own son, and that he had frequently offered him an honourable asylum and three earldoms in England—offers which William had constantly refused, at the suggestion of men who were equally the enemies of the nephew and the uncle. Such flimsy reasoning could not deceive the penetration of Calixtus; but unwilling to urge a request in which he foresaw that he should not succeed, he diverted the conversation to the subject of the war, and obtained from Henry an avowal of the most pacific sentiments. The intelligence was immediately communicated to the different belligerents, and a treaty of peace was concluded under the auspices of the pontiff. Henry retained what he principally sought, the possession of Normandy; and the king of France, as sovereign lord, received the homage of William, Henry's son, in lieu of that of the father.[2]

In perusing the history of this war, written by the pen of Orderic, the mind is surprised at the opposite instances of barbarism and refinement, of cruelty and humanity, with which it abounds I. The number of slain in the celebrated battle of Brenville amounted to no more than three. for, says the historian, Christian knights contend not for revenge, but for glory; they seek not to shed the blood, but to secure the person of their enemy [3] Their great object was to throw him on the ground; and when this was effected, whether by a blow, or by the death of his horse, the knight, enchased in ponderous armour, was unable to help himself, and lay the unresisting prize of his adversary.

[1] Orderic, 842—854. Chron. Sax. 821. Hunt 217 Malm. 90.
[2] Orderic, 858, 859, 865, 866. Malm. 93 The grandmother of Calixtus was Alice, daughter of Richard II, duke of Normandy.—Ord. 848.
[3] Ib. 854.

II. Offices of civility were interchanged in the midst of hostilities and the captive, who had signalised his courage, was often released without ransom by a generous conqueror The king, after his victory, restored to Louis his charger, with the trappings of gold and silver; and his son at the same time sent to the son of Robert valuable presents, that the young exile might appear among foreigners with the splendour due to his birth. III. But their passions were violent and implacable; and in the pursuit of revenge their breasts seemed to be steeled against every feeling of humanity. Eustace, lord of Breteuil, who had married Juliana, one of the king's illegitimate daughters, had solicited the grant of a strong fortress, which was part of the ducal demesne Henry entertained suspicions of his fidelity, but was unwilling to irritate him by an absolute refusal. It was agreed that two children, the daughters of Eustace and Juliana, should be given to Henry as hostages for the allegiance of their father; and that the son of Harenc, the governor of the castle, should be intrusted to that nobleman as a pledge for the cession of the place at the close of the war. Eustace was, however, dissatisfied he tore out the eyes of the boy, and sent him back to his father. Harenc, frantic with rage, and impatient of revenge, demanded justice of Henry, who, unable to reach the person, bade him retaliate on the daughters of Eustace. Their innocence, their youth, their royal descent, were of no avail the barbarian deprived them of their eyes and noses; and Henry, with an affectation of stoic indifference, loaded him with presents, and sent him back to resume the command The task of revenge now devolved on Juliana, who deemed her father the author of the sufferings of her daughters. Unable to keep Breteuil against the royal forces, she retired into the citadel; abandoned by the garrison, she requested a parley with the king; and, as he approached the wall, pointed an arrow and discharged it at his breast. Her want of skill saved her from the guilt of actual parricide; and necessity compelled her to surrender at discretion. Had Henry pardoned her, he might perhaps have claimed the praise of magnanimity; but the punishment which he inflicted was ludicrous in itself, and disgraceful to its author. He closed the gate, removed the drawbridge, and sent her a peremptory order to quit the castle immediately Juliana was compelled to let herself down without assistance from the rampart into the broad moat which surrounded the fortress, and to wade through the water, which rose to her waist At each step she had to break the ice around her, and to suffer the taunts and ridicule of the soldiers, who were drawn out to witness this singular spectacle [2]

The ambition of the king was now gratified His foreign foes had been compelled to solicit peace his Norman enemies had been crushed by the weight of his arms, and, if further security were wanting, it had been obtained by the investiture of the duchy which had been granted to his son William After an absence of four years he resolved to return in triumph to England. At Barfleur he was met by a Norman mariner, called Fitz-Stephen, who offered him a mark of gold, and solicited the honour of conveying him in his vessel, "the White Ship." It was, he observed, new, and manned with fifty most able seamen. His father had carried the

[1] Orderic, 855

[2] Orderic, 854, 855 Eustace was a bastard, and had seized the lands of his father, to the prejudice of the lawful heir.—Id. 810. Huntingdon attributes to Henry himself the punishment inflicted on his granddaughter. Neptium suarum oculos eruit fecit.—Ang. Sac. ii. 699.

king's father when he sailed to the conquest of England; and the service by which he held his fee, was that of providing for the passage of his sovereign. Henry replied that he had already chosen a vessel for himself; but that he would confide his son and his treasures to the care of Fitz-Stephen. With the young prince (he was in his eighteenth year) embarked his brother Richard and his sister Adela, both natural children of Henry, the earl of Chester and his countess the king's niece, sixteen other noble ladies, and one hundred and forty knights. They spent some hours on deck in feasting and dancing, and distributed three barrels of wine among the crew: but the riot and intoxication which prevailed about sunset induced the more prudent to quit the vessel and return to the shore. Henry had set sail as soon as the tide would permit.[1] William, after a long delay, ordered Fitz-Stephen to follow his father. Immediately every sail was unfurled, every oar was plied, but amid the music and revelling the care of the helm was neglected, and the "White Ship," carried away by the current, suddenly struck against a rock.[1] The rapid influx of the water admonished the gay and heedless company of their alarming situation. By Fitz-Stephen the prince was immediately lowered into a boat, and told to row back to the land; but the shrieks of his sister recalled him to the wreck, and the boat sank under the multitude that poured into it. In a short time the vessel itself went down, and three hundred persons were buried in the waves. A young nobleman, Geoffrey de L'aigle, and Berold, a butcher of Rouen, alone saved themselves by clinging to the top of the mast. After a few minutes the unfortunate Fitz-Stephen swam towards them, inquired for the prince, and being told that he had perished, plunged under the water. Geoffrey, benumbed by the cold of a November night, was soon washed away, and, as he sank, uttered a prayer for the safety of his companion. Berold retained his hold, was rescued in the morning by a fishing-boat, and related the particulars of this doleful catastrophe. Henry had arrived at Southampton, and frequently expressed his surprise at the tardiness of his son. The first intelligence was conveyed to Theobald of Blois, who communicated it to his friends, but dared not inform the king. The next morning the fatal secret was revealed by a young page, who threw himself in tears at his feet. At the shock Henry sank to the ground, but recovering himself, affected a display of fortitude which he did not feel. He talked of submission to the dispensations of Providence; but the wound had penetrated deep into his heart. His grief gradually subsided into a settled melancholy; and it is said that from that day he was never observed to smile.[2] Matilda, by the death of her husband, became a widow at the age of twelve, within six months after her marriage. By Henry she was treated with the affection of a parent, but at the demand of her father returned to Anjou, and ten years afterwards put on the veil in the convent of Fontevraud.[3]

By the generality of the nation the loss of the prince was not regretted. From the arrogance and violence of his youth men had learned to fear the despotism of his maturer years. He was already initiated in all the mysteries of iniquity; and had publicly avowed on every occasion his contempt and hatred of the English.[4] But

[1] The current is called to this day the Gatteraz, and is occasioned by a low ledge of rock running out into the sea, in the commune of Gatteville, about a mile and a half from the port of Barfleur.

[2] Orderic, 867—869. Chron. Sax. 222. Simeon, 242.

[3] Orderic, 875

[4] Displicebat autem mihi, says a writer

Henry, deprived of his only legitimate son, had new plans to form, new precautions to take, against the pretensions and attempts of his nephew On that prince every eye was fixed: his virtues and misfortunes were the theme of general conversation, and few men doubted that he would ultimately succeed to the throne Fulk of Anjou, whom the king had offended by refusing to return the dower of Matilda, affianced to him his younger daughter Sibylla, and gave him the earldom of Maine, while the most powerful barons of Normandy, Amauri of Montfort, and Walleran, the young earl of Mellent, undertook to assist him on the first opportunity with all their forces and influence Henry by his spies was informed of the most secret motions of his enemies In the court of Anjou he employed threats, and promises, and bribes, to prevent the intended marriage he even undertook to prove that the two parties, William and Sibylla, were relations within the prohibited degrees of consanguinity.[1] In Normandy he suddenly landed with a numerous body of English forces; summoned his barons to attend him; and without communicating his intentions to any individual, marched out of Rouen on a Sunday after dinner, with the whole army. Hugo of Montfort, one of the chief conspirators, was immediately called before the king, and ordered to surrender his castle He assented with apparent cheerfulness, and was despatched with an escort to give orders to the garrison; but in passing through a wood, he suddenly turned down an unfrequented path, escaped his pursuers, reached Montfort, and ordered his retainers to hold it against all the power of Henry. For some time they complied with the will of their lord, but at length, despairing of succour, surrendered upon terms From Montfort the king proceeded to Pont-Audemer, a strong fortress defended by one hundred and forty knights. but a tower of wood was constructed twenty-four feet higher than the walls, and the archers from its summit so annoyed the besieged, that after a defence of seven weeks, they were compelled to open the gates The next year he was still more fortunate As the insurgent barons were returning from a successful expedition, they were opposed by Ranulf of Bayeux and William of Tankerville, with a body of men selected from the neighbouring garrisons The battle was gained, and the war terminated by forty English archers These, as the enemy charged, drew their bows the foremost horses were slain, others fell over them, and the rest of the insurgents, seeing the confusion, immediately fled Eighty knights in their armour were found lying on the ground; and among them were captured the chief promoters of the rebellion Fulk immediately abandoned the cause of his intended son-in-law, and peace was once more restored.[2]

The life of William, the son of Robert, was an alternating series of elevation and depression If the sudden fate of his cousin had awakened his hopes, they were soon defeated by

who knew him, nimius circa eum cultus, et nimius in eo fastus—semper de fastigio superbo tumidus cogitabat —Huntingdon, in Ang Sac. ii. 696 I will add what he and another ancient writer say of him and his companions. Omnes aut fere omnes sodomitica labe dicebantur, et erant, irretiti.—Hunt 216. Filius regis et soci sui incomparabili superbia tumidi, luxuriæ et libidinis omni labe maculati.—Gervas, 1339.

[1] Chron. Sax 231 Malm 99 Ord 883 According to him, they were related in the sixth degree But the allegation was most impudent on the part of the king In whatever relation Robert stood towards Fulk, Henry must have stood in the same. Yet he had already married his son to one of Fulk's daughters, and afterwards married his daughter to one of Fulk's sons

[2] Orderic, 875—886. Simeon, 250. Chron. Sax. 227.

the sagacity and promptitude of his uncle, but he was amply repaid for the disappointment by the bounty of Louis, who in lieu of Sibylla, bestowed on him the hand of his sister-in-law, and gave for her portion Chaumont, Pontoise, and the Vexin, on the borders of Normandy; whence, by his proximity, he was enabled to encourage his partisans, and to keep alive the spirit of opposition to Henry [1] Soon afterwards, Charles the Good, earl of Flanders, and the successor of Baldwin, was assassinated. He was at his devotions in a church at Bruges, when Burchard de l'Isle suddenly assailed him with a body of armed men, and murdered him at the foot of the altar On the first intelligence of this event, William of Ipres surrounded the walls with his retainers: the king of France followed with a formidable force, and after a siege of five weeks the gates were burst open, and the assassins were precipitated over the battlements of the castle William had accompanied his benefactor, and received from him the investiture of the earldom, which he could justly claim as the representative, of Matilda, his grandmother, the daughter of Baldwin V.[2] Thus again by the caprice of fortune was he raised to a high degree of power, and placed in a situation the most favourable for the conquest of Normandy Henry began to tremble for the safety of his continental possessions [3]

It is now time to notice the measures by which that monarch had sought to perpetuate the succession in his own family Matilda had brought him two children, a son, William, whose premature fate the reader has already witnessed, and a daughter Alice, who afterwards assumed the name of her mother [4] For the last twelve years of her life the queen resided at Westminster, deprived of the society of her husband, but surrounded with the parade of royalty, and an object of veneration in the eyes of the people, by whom she was generally denominated Molde, the good.[5] The purity of her character was beyond the reach of suspicion acts of benevolence, and exercises of devotion, occupied her time, and to listen to the chants of minstrels and the verses of poets formed her principal amusement One fault she is said to have had. She was liberal beyond her means, and her officers, to supply the current of her munificence, were occasionally compelled to oppress her vassals [6] By her death in 1118 the king found himself at liberty to contract another marriage, but the restraints of wedlock did not accord with his love of pleasure and inconstancy of affection; nor did he think of a second wife till the loss of his son, the Etheling, had brought the succession within the grasp of his nephew. To defeat the hopes of that prince he offered his hand to Adelais, the daughter of Geoffrey, duke of Louvain, and niece to Pope Calixtus, a princess whose chief recommendation was her youth and beauty [7] Their union proved

[1] Ord 884. [2] Ibid Hunt 91

[3] Se diadema regni amissurum pro certo putabat —Hunt Ang Sac ii 699

[4] She is called Æthelice in the Saxon Chronicle (230), the same name with Adela, Adelais, and Alice. About this period Matilda became a favourite appellation, probably because it was that of the Conqueror's consort The original name of Henry's queen was Editha, which she afterwards exchanged for Matilda.

[5] Rudborne, 276.

[6] Malms. f

sings her praise in the following not inelegant lines:—

Quid diadema tibi, pulcherrima, quid tibi gemmæ?
Pallet gemma tibi, nec diadema nitet:
Ornamenta cave: nec quidquam luminis inde
Accipis, illa micant lumine clara tuo.—
Hunt. 218.

without issue, and after a delay of three years, he formed the resolution of settling the crown on his daughter Maud, who had married Henry V. of Germany, and by the death of her husband was lately become a widow. In the pursuit of this object it was necessary for the king to subdue the reluctance both of the princess herself and of the English barons. Maud was unwilling to quit a country in which she possessed a noble dower, for a precarious and disputed succession; and the barons revolted from the idea of a female reign, a species of government new in the annals both of England and Normandy. The empress, however, submitted to the peremptory commands of her father, and was met on her arrival by her uncle David, king of Scotland. The acquiescence of the more powerful barons had been prepared by presents and promises, for greater security, Robert, the captive duke of Normandy, was removed from Devizes to Cardiff, from the custody of the bishop of Sarum to that of Robert of Caen, earl of Gloucester, the king's natural and favourite son, and a general assembly was summoned of the prelates and chief tenants of the crown. Before them Henry lamented the premature death of his son, and proposed his daughter Maud as presumptive heiress to the succession. She united, he observed, in her veins the blood of the Anglo-Saxon with that of the Norman princes. By her mother she was descended, through a long line of sovereigns, from Egbert and Cerdic: her father was the reigning king, and her uncle and grandfather had been the two last monarchs of England. Whatever might be the sentiments of his hearers, no one ventured to incur his resentment by hazarding an objection: the empress was unanimously pronounced the next heir, in the event of her father dying without male issue; and first the clergy, then the laity, swore to maintain her succession. Among the laity the precedence was given to her uncle David, on account of his regal character. The second place was disputed between Stephen, earl of Boulogne, and Robert, earl of Gloucester. The former was the king's nephew by his sister Adela, and had been born in lawful wedlock, the latter was Henry's son, but of spurious birth; and the point to be decided was whether precedence was due to legitimacy of descent, or to proximity of blood. In the present times it would not admit of a doubt, even then, though the reigning family derived its claim from a bastard, the question was determined in favour of Stephen. But these noblemen had in view a secret, and more important object. Notwithstanding the precautions of Henry, the succession of Maud was considered very uncertain: both Stephen and Robert looked forward to the crown, and on that account each was anxious to be declared the first prince of the blood.[1]

The reader has noticed the constant solicitude of Henry to secure the friendship of Fulk, count of Anjou. That nobleman had lately resigned his European states to his eldest son, and had accepted the more brilliant but precarious dignity of king of Jerusalem. Henry offered with eagerness the hand of Matilda to Geoffrey, the reigning earl. The marriage was negotiated in secret, its publication excited the loud complaints of the English and Norman barons. They claimed a right to be consulted in the disposal of their future sovereign, and many declared that they looked on themselves as released from the obligation of their oath by the duplicity of the king. He disregarded their murmurs, and applauded his own policy. The counts of Anjou were

[1] Malmsbury, Novel. 99. Chron. Sax. 231.

now interested in the defence of his transmarine dominions [1]

Still it was impossible for him to contemplate without disquietude the increasing fame and power of his nephew the earl of Flanders, whose ruin he deemed necessary, both for his own tranquillity and the future security of his daughter. William had justly, but perhaps imprudently, punished the murderers of his predecessor Their friends sought to be revenged on the new earl: at their suggestion Thierry, landgrave of Alsace, advanced a claim to the succession; and Henry engaged to support him with all the power of England and Normandy Lisle, Ghent, and several other places were perfidiously surrendered to Thierry, but William displayed his wonted activity and courage, and completely defeated his antagonist under the walls of Alost Unfortunately, after the battle, and at the very gate of the town, he received a thrust in the hand from the pike of a foot-soldier. The wound was slight, and therefore neglected, a mortification ensued, and the expiring prince was conveyed to the monastery of St Omer There, from his death-bed, he wrote to Henry, recommending to the clemency of his uncle the Norman barons, who had followed the fortunes of him whom they deemed their legitimate prince The king, when he had nothing more to fear from the pretensions of his nephew (for William left no issue), granted his request, and by the affectation of generosity won the attachment of his Norman subjects.[2]

Thus, by the aid of accident and the resources of his own genius, had Henry triumphed over every obstacle that appeared to oppose his wishes Still it was not his lot to reap the fruit of his labours. The very measure on which he had founded his expectations of tranquillity proved a constant source of disquietude It was with reluctance that Maud had condescended to marry Geoffrey To exchange the state of an empress for the lower condition of a countess of Anjou, and to be subjected to the wild and wayward caprice of a boy of sixteen, hurt and irritated her feelings. Geoffrey, on the other part, had inherited the uncontrollable spirit of his progenitors he disdained to soothe, and made it his aim to subdue the pride of his wife They quarrelled, separated, and Maud repaired to England to solicit the protection of her father. A year elapsed in fruitless negotiations At length the earl condescended to express a wish for the return of his wife, and a reconciliation was apparently effected. If the successive births of three grandsons, Henry, Geoffrey, and William, were to the king subjects of joy, he was equally chagrined by the conduct of his son-in-law, who demanded the present possession of Normandy in virtue of a previous promise, and manifested his displeasure at the refusal of Henry by repeated insults Neither did Maud act the part of a mediatrix. Disliking her husband, she endeavoured to widen the breach by offending Geoffrey herself, and seeking by her reports to irritate her father These family broils detained the king in Normandy, and occupied his attention during the last years of his reign.[3]

But though he resided so frequently

[1] Malm. 99 Hunt. 219 The father of Fulk was called Plantagenet, probably from his device, a sprig of broom, or plante de genêt. It does not, however, appear to have been assumed as a family name by any of his descendants before the fifteenth century, when Richard, duke of York, was called Richard Plantagenet.—See a memoir by Mr. Nichols in Archæol. xxix p. 32

[2] Hunt. 219. Ang Sac. ii 697. Chron. Sax 232 Orderic, 885, 886.

[3] Malm. 100. Hunt. 220 Hov 275 Orderic, 900. According to Malmsbury, the king sailed for the last time to Normandy

on the continent, and was so anxious to secure his transmarine possessions, he did not neglect the government of his kingdom of England, by far the most valuable portion of his dominions. The administration of justice, and the preservation of the public tranquillity, were objects which he had constantly at heart, and which he earnestly recommended to the vigilance of his officers.

I. It is probable that the Normans despised the courts of law of Anglo-Saxon institution. Henry, however, ordered the ancient county courts and hundred courts to be held on the same days, and during the same terms, and in the same places, as had been the custom before the Conquest, and that all pleas respecting real property, unless the parties were tenants in chief of the crown, should be determined in the courts of the hundred [1]

II The severity with which he punished the more flagrant violations of the laws, was a source of terror and amazement to his subjects, who believed him to be the "lion of justice," described in the pretended prophecies of Merlin [2] When he came to the throne, robbery and rapine were crimes prevalent in every province of the kingdom, before his death they became so rare, that "whosoever," says the Saxon Chronicle in the language of the time, "bore his burthen of gold and silver, no man durst say to him aught but good" [3] On one occasion, when the justiciary, Ralph Basset, held a court at Huncot, in Leicestershire, no fewer than forty-four robbers were condemned and executed.[4] This was in the year 1024, when neither interest nor presents could save the malefactor from death or mutilation, but afterwards, whether it was that the necessity of rigour had decreased with the frequency of crime, or that the love of money began to predominate over the love of justice, pecuniary compensations, which had been abolished in the beginning of Henry's reign, were again accepted in lieu of corporal punishment.[5]

III. Under the Saxon dynasty the licence to coin money had been farmed out to different individuals in the principal boroughs, who with the dies received their instructions from the royal treasury By the Conqueror and his son Rufus the same custom had been continued; and these persons, by debasing the quality, or diminishing the weight of the silver pennies, amassed considerable wealth, and at the same time screened themselves from punishment by frequent and valuable presents to the monarch. Henry, in the charter which he granted at his accession, had engaged to redress this grievance. By the Saxon laws the offender was condemned to suffer the amputation of the right hand, which, as a memorial of the crime, was affixed with nails to the door of his house To the loss of the hand or that of the eyes, which he sometimes substituted in its place, the king added the punishment of castration. The in-

on the day of the total eclipse, Wednesday, the fifth of August, in the year 1132, and remained there till his death, three years and four months afterwards It is singular that in every one of these dates the historian should be incorrect It was indeed the day of the total eclipse, but that was Thursday, the second of August in 1133, and only two years and four months before Henry's death. Yet there were circumstances to fix the time indelibly in his memory, for he tells us, that during the progress of the eclipse he noticed the appearance of the stars near the sun's place, and that, during the earthquake, which happened the next morning, he observed the walls of the house in which he sat, rise up twice and sink into their former position. But such errors are common in the dates of all our ancient chroniclers.

[1] New Rymer, i. 12

[2] Bromp. 998. Joan Salis. Polycrat. vi. 16.

[3] Chron Sax 237

[4] Chron. Sax. 228.

[5] Malm. 91.

habitants of boroughs, the principal merchants of the time, were sworn to watch over the purity of the coin, and to prosecute delinquents, and the same penalty was denounced against those who attempted to pass, as against those who fabricated, pennies of inferior value.[1] Still the evil continued to increase, till, in the twenty-fifth year of his reign, it had become so universal, that hardly one penny in twelve was taken in the market The royal indignation now fell on the coiners By a general precept they were all summoned to appear at the court of Exchequer in Winchester Each in rotation was examined before the bishop of Salisbury, the treasurer, who, if he judged him guilty, ordered him to be taken to a neighbouring apartment, where he immediately suffered the punishment prescribed by law Of more than fifty who obeyed the summons, four only escaped.[2] The severity would, it was hoped, intimidate the future fabricators of money, and we may presume that to remedy the evil of the moment a new coinage was issued, and the whole withdrawn from circulation.[3]

IV Another grievance, which had been constantly increasing during the two last reigns, had grown out of the royal claim of purveyance. Whenever the king moved from place to place, he was attended by a number of prelates, barons, and officers, each of whom was followed by a long train of dependants All these expected to be maintained at the expense of the country through which they passed. Hence the progress of the court was like the progress of a hostile army; and the devastation which the king's followers are said to have caused would hardly deserve credit, were it not attested by contemporary and unexceptionable writers. They were accustomed to enter without ceremony the houses of the farmers and husbandmen, to live at free quarters, and in the insolence of superiority, to sell, burn, or waste, what they could not consume. The miserable inhabitants saw their corn and cattle carried away, and their wives and daughters insulted before their faces, and, if they dared to remonstrate, their presumption was punished, often by the conflagration of their houses, sometimes by mutilation, and occasionally by death Hence the approach of the king to any district was a signal to the natives to conceal their effects, and flee to the woods, and the solitude of the country wherever he turned, at length convinced him of the magnitude of the evil, and warned him to apply an effectual remedy A commission of judges was appointed, the attendants on the court were examined before them, and the more guilty were punished by the loss of an eye, or of a hand, or of a foot. The fate of these delinquents impressed a salutary terror on their fellows, and similar enormities were seldom repeated during the remainder of the king's reign[4]

V If Henry thus relieved his sub-

[1] Leg Sax 305 Hov 274 New Rymer, 1 12 [2] Chron Sax 228, 229

[3] The pennies had hitherto borne on the reverse the impression of a cross, which divided them into halves and quarters, and for convenience they were occasionally cut according to the lines of this cross into half-pennies and farthings As many persons refused to take good silver after the penny had been cut, the king ordered that for the future both half-pennies and farthings should be coined circular, like the pennies, and be in that form a legal tender which no one should refuse with impunity — Eadmer, 94 Sim 254, whose text should be corrected from Hoveden, 270

[4] Chron Sax 212. Malm. 91 Eadmer, 94 Quæ justitia in pluribus visa, cæteros integritatem sui amantes, ab aliorum læsione deterrebat —Ibid. From this and similar expressions in our ancient writers, it would appear that the punishment of mutilation was thought more useful than of death. The latter might strike more at the mo-

jects in general, he was equally just to the complaints of his own tenants. It has been already observed that in most counties a considerable portion of land was the property of the crown, the occupiers of which were bound to pay their rents in kind for the support of the royal household. This obligation imposed on the tenants, what they deemed a heavy burthen, the necessity of transporting in many cases the produce of their farms to a considerable distance, but it was soon commuted for another, which they found it still more difficult to support

After the king began to reside principally on the continent, payments in kind were no longer wanted, and payments in money were demanded Had these been determined according to an equitable rate, the change would have been a benefit but they were left to the discretion or caprice of the royal officers, who were careful to enrich themselves by the oppression of the tenants The latter harassed the king with repeated remonstrances, and on some occasions surrendered to him their ploughs, as a proof of their inability to continue the labours of agriculture under the existing burthens Henry consulted his ministers, and a remedy was easily devised. A new survey was made of the royal demesnes, a certain and equitable rent in money was fixed by the commissioners, and the tenants were ordered to account annually with the sheriff, whose duty it was to pay the receipts into the exchequer.[1]

VI It should, however, be observed, that the equity and humanity of the king were of a very questionable description. As long as his own interests were not concerned, he showed no reluctance to check or punish the exactions or rapacity of others; but in the pursuit of his own aggrandizement, he scrupled not to trample on every consideration of justice, and to sport with the fortunes and happiness of his subjects. His system of continental policy involved him in enormous expenses; for money was the principal weapon with which he fought, and he had seldom recourse to arms, till he had tried the efficacy of bribes and promises. Hence he was constantly haunted with apprehensions of poverty, and his ministers were employed in devising the means to acquit his past, and to provide for his future engagements. The danegelt, at the rate of twelve pennies in the hide, was continued during the whole of his reign an additional aid of three shillings per hide was required on occasion of the marriage of his daughter Matilda, and yearly complaints of new and excessive exactions may be read in almost every page of the Saxon annalist.[2] The science of taxation was then in its infancy To ease, by equalizing the burthen, never entered into the thoughts of the financiers of the age a certain sum of money was wanted by the king, it was wrung by the strong hand of power from the reluctant grasp of the subject The collectors, says Eadmer, seemed to have no feelings of humanity or justice If a man were without money, he was cast in prison, or forced to flee from the country, his goods were sold, the doors of his house carried away, and the slender remains of his property exposed to the mercy of every passenger If a man had money, he was harassed with threats of prosecution for imaginary offences, till he had surrendered all that he possessed,

ment, but the sight of it was confined to few, and the impression which it made was soon obliterated But the culprit who had suffered mutilation carried about with him the evidence of his punishment during life, and daily admonished all who saw him of the consequence of violating the laws

[1] Vid Seld. Spicil ad Eadm 216, 217

[2] Chron Sax. 211, 212, 213, et seq. Hunt. 217, 218, 219. Bromp 1001.

for no one dared to enter into litigation with his sovereign, or, by refusing to pay the present demand, subject himself to the immediate loss of his whole property. Yet, adds the historian, there are many who will think little of such enormities, so much have we been habituated to them under the two last monarchs [1]

The ecclesiastical history of this period furnishes numerous instances of royal rapacity. In the charter which the king had published at his accession he solemnly engaged neither to sell the vacant benefices, nor to apply their profits to his own use This promise was violated as soon as it could be done with impunity. That the crown might enjoy the episcopal revenues, the bishoprics of Norwich and Ely were kept without prelates for three, those of Canterbury, Durham, and Hereford, for five, years At his coronation he had promoted to the see of Winchester his chancellor, William Gifford Soon afterwards he extorted from the new prelate the sum of eight hundred marks He valued the revenue of Lichfield at three thousand marks, and compelled Roger, the nephew of Geoffrey Dedington, to pay that sum before he would name him to the bishopric. Gerold had been made abbot of Tewkesbury Unable to satisfy the repeated demands of the king, he was necessitated to resign his abbey Gilbert bishop of London had acquired the reputation of a careful and opulent prelate At his death all his treasures were seized for the benefit of the crown.[2] From the manner in which these iniquitous proceedings are casually mentioned by the contemporary writers, we may reasonably infer that they were not of very rare occurrence.

I will add another, and more singular instance The reader has already noticed the attempt of archbishop Dunstan to restore, during the reign of Edgar, the ancient discipline of the celibacy of the clergy The execution of the canons which he published on that subject was suspended during the invasion of the Danes under Sweyn, and was afterwards neglected under Canute and his successors When Lanfranc had been promoted to the see of Canterbury, he resolved to imitate the conduct of Dunstan, but at the same time was careful to temper his zeal with moderation In a synod, which he convened at Winchester in 1075, the village curates who were married received permission to retain their wives, but the obligation of celibacy was imposed on the higher and conventual clergy, and a vow of continency was required from all future candidates for the orders of deacon and priest

At the distance of six-and-twenty years another synod was held at Westminster by archbishop Anselm. Here it was enacted that every priest and deacon should be obliged to observe the promise which he had made at his ordination, and that all future subdeacons should be subjected to the same restraint [3] To Henry it was suggested that this canon might be converted into a source of revenue A commission was in consequence appointed, with orders to inquire into the conduct of the clergy, and to impose a heavy fine on every individual who might be found to have transgressed the regulation of the synod. The result showed that the number of offenders was too small to raise any considerable sum; but the king, that his expectations might not be defeated,

[1] Ead 63 "God knows," says the Saxon chronicler, "how unjustly this miserable people is dealt with. First they are deprived of their property, and then they are put to death. If a man possesses any thing, it is taken from him if he has nothing, he is left to perish by famine"—Chron Sax. 228.

[2] Sim. Dunelm 62, 256. Ang. Sac. i. 297, 304, 408, 609; ii. 698. Ead. 109.

[3] Ead. 67.

ordered a certain fine to be levied on every parochial clergyman, without regard to his guilt or innocence. With its amount we are not acquainted, but the consequences prove that it must have been excessive. Some, through indignation at the injustice of the measure, refused, others, through poverty, were unable to pay Both classes were imprisoned and tortured Their brethren, who remained at liberty, appealed to the clemency of the king. To the number of two hundred, with their feet bare, and clad in the appropriate dress of their respective orders, they met him in one of the streets of London. He turned from them with expressions of insult They next implored the intercession of the queen, but Matilda, with tears in her eyes, assured them that she did not dare to interfere [1]

The most important controversy in which Henry was engaged with the court of Rome regarded the admission of the papal legates. On the one side it was contended that the Pope, in quality of universal pastor, had the right to inquire by confidential ministers into the state of the church in distant countries, and that the abuses which had arisen from the prevalence of simoniacal elections imperiously required the exercise of that right. On the other it was alleged, that by the grants of former Popes, the archbishop of Canterbury was entitled to the authority of papal legate within the kingdom, and that no instance was known of such authority having been exercised by a foreign ecclesiastic, unless it were at the express request of the sovereign.[2] This answer was but partially correct. In the earliest ages of the Anglo-Saxon Church, we find the archbishop of Canterbury invested with the title of envoy of the Apostolic See, [3] but the history of the same ages furnishes several instances of legates, who were sent from Rome to reform the English clergy, and who in virtue of the papal commission assembled councils and promulgated laws of ecclesiastical discipline.[4] The question was debated during a great portion of Henry's reign Some legates were induced by threats or promises to return without attempting to land Others were received and introduced to the king, who by gifts and remonstrances prevailed on them to waive the exercise of their authority Perhaps they were unwilling to offend a prince who loaded them with presents; perhaps they feared to compromise their character, by entering into a contest of doubtful issue. At length Paschal II sent an earnest expostulation to the king and the prelates; he complained that without the royal licence neither his letter nor envoys were admitted into the kingdom; that no causes or appeals were carried before the Apostolic See, and that in consequence, men of worthless character were promoted to benefices, and by their conduct encouraged the growth of those abuses which it was their duty to extirpate [5] This expostulation was followed by a legate of the name of Anselm. On his arrival in Normandy, the English bishops were hastily assembled, and by their advice Ralph, the metropolitan, undertook a journey to Rome, to plead in person the privileges of his church. After an absence of two years he returned. Sickness and the wars in Italy had prevented him from seeing

[1] Rad 83, 84. Some years later he adopted a different plan. The bishops in a council at London requested him to enforce the celibacy of the clergy by royal authority. He accepted the office, and abused their confidence. In order to raise money, he publicly sold to any, who were willing to buy, a licence to transgress the canons — Hov 274 Hunt 220. Chron. 234.

[2] Rad. 58, 118, 126.

[3] Edd. Vit Wilf. c.h.

[4] Bed. iv. 18. Wilk. Con.i. 146.

[5] Rad. 113, 116.

the pontiff, and he brought with him no more than an evasive letter, in which, though the privileges of the church of Canterbury were confirmed, no mention was made of the real point in dispute.[1] If we may believe our national historians, the king was more successful than his archbishop; and in an interview with Calixtus, the second of the successors of Paschal, at Gisors, obtained the confirmation of the privilege for which he contended.[2] There is, however, reason to doubt the accuracy of this statement, for after a short interval, the Cardinal Peter, the son of a powerful Roman prince, arrived in France with the lofty title of legate of the Apostolic See in the Gauls, in Britain, in Ireland, and in the Orkneys. Henry received him with much ceremony in London, but observed to him, that he would never surrender the rights of his crown, that were he inclined to do so, still it would be necessary to obtain the consent of the prelates, the barons, and the whole kingdom, and that it was impossible to convene such an assembly as long as the nation was engaged in hostilities with the Welsh. Peter assented to the reasons of the king, and on his return to the coast was attended by a numerous escort, and gratified with valuable presents.[3] Calixtus appears to have been dissatisfied with the conduct of this legate, and appointed the cardinal John of Crema, to succeed him in the same capacity. His mission was delayed by the death of the pope, but on a renewal of the appointment by Honorius II. he advanced as far as Normandy, where he was detained by the orders of Henry. After a long negotiation he obtained permission to proceed, traversed the kingdom in great pomp, and met the king of Scotland at Roxburgh. There he held a synod of Scottish bishops, to inquire into the controversy between them and the archbishop of York, who claimed metropolitical jurisdiction over their churches.[4] In his return he presided at Westminster in a council of the English prelates, with forty abbots and most of the other dignitaries. Seventeen canons of discipline were enacted at his suggestion, the object of which was to enforce the celibacy of the clergy, and to abolish simoniacal elections and contracts.[5] William, archbishop of Canterbury, accompanied Crema in his return to Rome; and, though he could not prevail on the pontiff to surrender his claim of sending envoys to the English church, obtained for himself a grant of the legatine authority both in England and Scotland.[6] Soon afterwards he convoked a national synod, and published several canons of discipline, similar in substance to those of Crema; but with some variations, that they might not appear to rest on the authority of that cardinal. When Honorius died, the succession to the papacy was disputed between two competitors, Innocent

[1] Ead. 120. [2] Ibid. 125, 126.

[3] Ead. 137, 138. [4] Sim. 252.

[5] The name of Crema has been rendered infamous by the pen of Huntingdon, who maintains in the most positive terms that on the very night of the dissolution of the council he was detected in the commission of the offence which he had so severely condemned in others. Cum meretrice interceptus est. Res apertissima negari non potuit.—Hunt. 219. The same story is told, on the authority of Huntingdon, by Hoveden (264), Brompton (1015), and Hemingford (376). It is, however, singular that he should be the only contemporary writer who mentions the fact. It seems to have been unknown to the continuator of Florence, who relates in detail the acts of the synod (661), and to Simeon, who adds many other particulars of Crema's legation (252); and also to Gervase, whose enmity to the cardinal paints itself in the strongest colours (1663). The tales of the later writers, Westminster (240), and the monk of Winchester (Ang. Sac. i. 291), are too ridiculous to deserve mention.

[6] See the bull in Wharton (Ang. Sac. i. 792), though he supposes, erroneously, that it was prior to the legation of Crema.

and Anaclet; and Henry, in opposition to the advice of his bishops, was persuaded by the celebrated St. Bernard to espouse the cause of the former He met Innocent at Chartres, fell at his feet, and promised him the obedience of a dutiful son.[1] This pontiff confirmed the grant of his predecessor to the archbishop of Canterbury, who, in quality of metropolitan and legate, continued to govern the English church during the remainder of Henry's reign [2]

Robert, the unfortunate duke of Normandy, had now spent eight-and-twenty years in captivity According to some historians he bore his confinement with impatience; and by an unsuccessful attempt to escape, provoked his brother to deprive him of sight [3] For the honour of human nature we may hope that the latter part of the account is false; the more so, as it is not supported by contemporary authority If Henry may be believed, the reader has already heard him boast of the splendour and comfort enjoyed by his captive, and Malmsbury (but Malmsbury wrote to the son of Henry, and therefore was disposed to panegyrize the father) seems to confirm this statement, when he assures us that the duke was allowed every indulgence compatible with his condition as a prisoner.[4] Robert died at the age of eighty in the castle of Cardiff in Wales.[5]

Henry did not survive his brother more than a year. He had been hunting near St Denis le Froment, in Normandy, and at his return was seized with an acute fever. On the third day, despairing of his recovery, he sent for the archbishop of Rouen, from whom he received the sacraments of the eucharist and extreme unction. The earls of Gloucester, Surrey, and Leicester, and the rest of the nobility assembled round his bed, and in their presence he pronounced his last will. I bequeath, he said, all my lands on both sides of the sea to my daughter Matilda and her heirs for ever, and I desire that, when my debts have been discharged, and the liveries and wages of my retainers have been paid, the remainder of my effects may be distributed to the poor On the seventh day of his illness he expired His bowels were deposited in the church of St. Mary at Rouen, which had been founded by his mother, his body was conveyed to England, and interred in the abbey of Reading [6]

A contemporary writer has left us the character of Henry as it was differently drawn by his friends and enemies after his death. By the former he was ranked among the wisest, richest, and bravest of our monarchs; the latter loaded his memory with the reproach of cruelty, avarice, and incontinence.[7] To an indifferent observer, at the present day, his reign

[1] Bern. Bonæval. inter op. S. Bern. 1991 Suger, Vit. Lud. Cras.

[2] Wharton (Ang Sac. i 792) is very severe on the memory of this prelate, whom he accuses of having, by the acceptance of the legatine authority, subverted the independence of his church, and enslaved it to that of Rome. Had William indeed believed, with Wharton, that the pope previously possessed no jurisdiction in England, he would have deserved this censure, but he acknowledged, like his predecessors, the papal authority (see Malm 112—116), and, if he objected to the admission of foreign legates in England, it was, not because the church of Canterbury was independent, but because the authority of legate had been previously granted by the popes to the archbishop of Canterbury. Inauditum scilicet in Britannia cuncti scientes, quemlibet hominem supra se *vices apostolicas gerere* nisi solum archiepiscopum Cantuariæ — Ead 58 See the grants to the archbishops Tatwine, Plegmund, and Dunstan, in Malmsbury de Pont n. 116.

[3] Paris, 52. [4] Malm. 87.

[5] Orderic, 893, 900.

[6] Malm 100 Orderic, 901. Epist Pet. vener. ad Adelard. apud Bouquet, xv 632.

[7] Hunt. 221 Rex maximus cujus ad justitiam omnes fere principes invitantur exemplo, cujus in pauperes munificentiam, liberalitatem in omnes, cuncti reges mirari possunt potius quam velint aut valeant imitari.—Bouquet, xiv. 248.

will offer little worthy of praise, unless it be the severity with which he punished offences This was a real benefit to his people, as it not only contributed to extirpate the robbers by profession, but also checked the rapacity and violence of the barons Still his merit will be very equivocal. As long as each conviction brought with it a fine or forfeiture to the royal exchequer, princes were stimulated to the execution of the laws by a sense of personal interest.[1] Henry, at the same time that he visited the injustice of others, scrupled not to commit injustice himself Probably in both cases he had in view the same object, his own emolument

The great aim of his ambition was to aggrandize his family by augmenting his possessions on the continent His success in this favourite project obtained for him the reputation of political wisdom but it was purchased at the expense of enormous sums wrung from a suffering and impoverished people. If, however, the English thus paid for acquisitions in which they had little interest, they derived from them one advantage · the king's attention to foreign politics rendered him anxious to preserve peace with his more immediate neighbours. He lived on the most friendly terms with Alexander and David, successively kings of Scotland. The former had married his natural daughter Sybilla, both were the brothers of his wife Matilda. It was more difficult to repress the active and predatory disposition of the Welsh, but as often as he prepared to chastise their presumption, they pacified his resentment by submission and presents. As a check to this restless people, he planted among them a powerful colony of foreigners Many natives of Flanders had found settlements in England under the protection of his mother Matilda, and the number was now doubled by a crowd of emigrants, who had been driven from their homes by an inundation of the Rhine Henry placed them at first on the right bank of the Tweed, but afterwards collecting the old and new comers into one body, allotted to them for their residence the town of Haverfordwest with the district of Ross, in Pembrokeshire. They were a martial and industrious people, by attention to the cultivation of the soil and the manufacture of cloth, they grew in numbers and opulence, and under the protection of the English kings, to whom they always remained faithful, defeated every attempt of the Welsh princes to root them out of the country.[2]

Henry was naturally suspicious, and this disposition had been greatly encouraged by his knowledge of the clandestine attempts of his enemies. On one occasion the keeper of his

[1] The reader will hereafter see this fully exemplified in the commissions given to the justiciaries.

[2] Malm 68, 89 Gerv. 1349. Bromp. 1003. Giral. Itin. Camb. 848 Henry on two occasions had entered Wales with an army; on both his presence alone was sufficient to subdue all opposition.—Chron Sax 217, 223. Sim 245 He carried the exercise of his sovereignty further than any of his predecessors, naming to the Welsh bishoprics, and compelling the new prelates to receive consecration from the archbishops of Canterbury. The bishops of St. David's, who had long exercised metropolitical jurisdiction over the greater part of Wales, submitted with much reluctance. Sometimes, by appealing to the pope, they reclaimed their ancient rights, but were always defeated by the superior power of their adversaries It has been said that Henry subjected the Welsh church to the Church of Rome, but in the pleadings the Welsh bishops complain that the king had subjected their church to the church of Canterbury, whereas it had never before been subject to any church but that of Rome. Usque ad Regem Henricum qui ecclesiam Walensicam ecclesiæ Anglicæ supposuit, totam metropoliticam dignitatem præter usum pallii ecclesia Menevensis obtinuit, nulli ecclesiæ prorsus nisi Romanæ tantum, et illi immediate, sicut nec Scotica, subjectionem debens.—Giral. de Jure Menev. Eccl. 541.

treasures was convicted of a design on his life; on another, while he was marching in the midst of his army towards Wales, an arrow from an unknown hand struck him on the breast, but was repelled by the temper of his cuirass.[1] Alarmed by these incidents, he always kept on his guard, frequently changed his apartments, and when he retired to rest, ordered sentinels to be stationed at the door, and his sword and shield to be placed near his pillow.[2]

The suspicious are generally dissembling and revengeful. Henry seldom forgot an injury, though he would disguise his enmity under the mask of friendship. Fraud, and treachery, and violence, were employed to ensnare those who had greatly offended him; and their usual portion was death, or blindness, or perpetual imprisonment.[3] After his decease it was discovered that his cousin, the earl of Moretoil, whom he had long kept in confinement, had also been deprived of sight.[4] Luke de Barré, a poet, who had fought against him, was made prisoner at the close of the last war, and sentenced by the king to lose his eyes. Charles the Good, earl of Flanders, was present, and remonstrated against so direful a punishment. It was not, he observed, the custom of civilized nations to inflict bodily punishment on knights who had drawn the sword in the service of their lord. "It is not," replied Henry, "the first time that he has been in arms against me But what is worse, he has made me the subject of satire, and in his poems has held me up to the derision of my enemies. From his example let other versifiers learn what they may expect if they offend the king of England." The cruel mandate was executed; and the troubadour, in a paroxysm of agony, bursting from the hands of the officers, dashed out his brains against the wall.[5]

His dissimulation was so well known that he was mistrusted even by his favourites. When Bloet, bishop of Lincoln, who had for many years been one of his principal justiciaries, was told that the king had spoken of him in terms of the highest commendation, "Then," he replied, "I am undone, for I never knew him praise a man whom he did not intend to ruin" The event justified his apprehensions. In an unguarded moment the prelate had boasted that the monastery which he was building at Eynesham should equal that which Henry had founded at Reading. The words were carried to the king, and the fall of the favourite was consummated. He was immediately deprived of the office of justiciary, vexatious prosecutions were commenced against him, by fines and extortions all his wealth was drawn to the royal exchequer, and the bishop would probably have been compelled to resign his dignity, had he not died by a sudden stroke of apoplexy, as he was speaking to Henry [6]

Malmsbury has allotted to the king the praise of temperance and continency [7] Perhaps his claim to the first, certainly his claim to the second, of these virtues, rests on no other ground than the partiality of his panegyrist. If, as many writers affirm, his death was occasioned by the excess with which he ate of a dish of lampreys, we may fairly doubt of his temperance, nor can the continency of that man be much commended, who is known to have been

[1] Malm 89, 91.

[2] Suger, Vit. Lud Gross. 113.

[3] Blandus odii dissimulator, sed pro tempore immodicus retributor. — Malm. 88. Multos proditacne cepit, multos dolose interfecit.—Hunt. in Ang. Sac. ii. 699.

[4] Hunt. 231. [5] Orderic, 880, 881.

[6] Hunt. Ang. Sac. 695. Pet. Bles 127.

[7] Malms. 91.

attached to several mistresses, and of whose illegitimate children no fewer than seven sons and eight daughters lived to the age of puberty [1] Of the sons, Robert Caen, earl of Gloucester, was chiefly distinguished by his father. He will claim the attention of the reader in the following reign

The king's principal ministers were Roger, bishop of Salisbury, and Robert, earl of Mellent. Roger had constantly adhered to Henry in all the vicissitudes of fortune which that prince experienced before his accession; it was natural that he should rise to eminence when his patron became a rich and powerful monarch. By the chapter of Salisbury he was chosen bishop of that see, by the king he was appointed grand justiciary of the kingdom. On the plea that the two offices were incompatible with each other, he declined the latter, till his scruples were removed by the joint authority of the pontiff and the metropolitan. To his episcopal duties he devoted the more early part of the day, the remainder was given to the affairs of state; and it is no weak argument of his merit, that though he was many years the minister of a rapacious monarch, he never incurred the hatred of the people Whenever Henry left the kingdom, the bishop of Sarum was appointed regent, and in that capacity discharged the duties of government for years together, to the satisfaction of his sovereign.[2]

While the internal administration was confided to this prelate, the department of foreign politics exercised the abilities of the earl of Mellent He attended the king in all his expeditions into Normandy, and acquired the reputation of being the first statesman in Europe Princes and pontiffs courted his friendship; Henry himself, though he perceived it not, was supposed to be governed by him; and his possessions in England, Normandy, and France received daily augmentations from his violence and rapacity. Nor was his authority confined to the concerns of government; he had usurped the empire of taste, and every fashionable courtier imitated the dress and manners of the earl of Mellent. His last illness was induced or irritated by vexation of mind. He had resolved to augment his wealth by marriage with an opulent heiress; but his expectations were defeated by the superior address of a rival. On his deathbed he sent for the archbishop of Canterbury; and when that prelate exhorted him to prepare for a future life by repairing the injustices which he had committed in this, he hastily replied

I will leave to my children whatever I have acquired. Let them do justice to those whom I have injured." It is superfluous to add that justice was never done [3]

These two ministers, as well as every other officer trusted by the king, were foreigners. He felt no gratitude for the services, and held in no estimation, the abilities, of his native subjects. If in the hour of danger he appealed to their fidelity, during the time of prosperity he treated them with the most marked contempt They were carefully excluded from every office of power or emolument, whether in church or state. The most slender recommendation was sufficient to qualify a stranger, were he Italian, French, or Norman, no services, no talents could expiate in an Englishman the original sin of his nativity.[4]

Henry, if we consider the value of money at that period, was immensely rich. On occasions of ceremony, when

[1] See their names in Speed (481), Duchesne (1072), and Sandford (Geneal Hist 30—33) [2] Chron. Sax. 224, 5, 6. Malm. 91. Hunt. Ang. Sac. ii. 700.

[3] Malm. 90. Hunt. Ang. Sac. ii. 696.

[4] Si Anglus erat, nulla virtus ut honore aliquo dignus judicaretur, cum poterat adjuvare.—Ead. 94, 110.

he wore his crown, he imitated the parade of the eastern monarchs, and before him on a table were displayed the most precious of his treasures, particularly two golden vases of extraordinary dimensions, and elegantly enchased with jewels[1] After his death, his successor found in the exchequer, besides the plate and gems collected by Henry and his two predecessors, one hundred thousand pounds of pennies, all of just weight, and of pure silver[2] So much wealth had enabled him to indulge his taste for architecture, and while the castles which he raised on the borders of Wales contributed to the protection of the country, by repairing or rebuilding most of the royal palaces, he provided for the comfort and splendour of himself and his successors At Woodstock he enclosed a spacious park for deer, and added a menagerie for wild beasts, among which Malmsbury mentions lions, leopards, lynxes, camels, and, what appears to have chiefly attracted the notice of the historian, a porcupine[3] But his religious foundations principally displayed his magnificence These were three monasteries, two for regular canons at Chichester and Dunstable, and one for monks of the order of Cluni, situated at Reading, near the conflux of the Thames and the Kennet, where the great roads of the kingdom intersected each other. The wealth with which Henry endowed this establishment did not seduce the monks from the rigid observance of their rule It was their custom to offer hospitality to all who passed by their convent; and it was believed that in the entertainment of strangers they annually expended a much larger sum than was devoted to their own maintenance[4]

Before I close the history of this prince, and proceed to the turbulent reign of Stephen, it will be proper to notice the rapid improvement of the nation in literary pursuits under the Conqueror and his sons Lanfranc and Anselm, the two archbishops of Canterbury, had proved themselves worthy of their exalted station The superior knowledge of the former was universally admitted the attainments of his successor were of a still higher class Both in their more early years had exercised the profession of teachers, and their precepts and example had awakened the curiosity of the clergy, and kindled an ardour for learning which can hardly be paralleled in the present age Nor did this enthusiasm perish with its authors it was kept alive by the honours which were so prodigally lavished on all who could boast of literary acquirements The sciences, which formed the usual course of education, were divided into two classes, which still retained the appellations of a more barbarous age, the trivium, comprising grammar, logic, and rhetoric, and the quadrivium, or music, arithmetic, geometry, and astronomy It was from the works of the Latin writers, which had survived the wreck of the empire, that students sought to acquire the principal portion of their knowledge, but in the science of medicine, and the more abstruse investigations of the mathematics, the ancients were believed inferior to the Mohammedan teachers, and many an Englishman, during the reign of Henry, wandered as far as the banks of the Ebro in Spain, that he might listen to the instructions, or translate the works, of the Arabian philosophers[5]

To the praise of the popes it must

[1] They afterwards fell into the hands of Theobald, earl of Blois —Bern Bonneval, in Vit. S Bern 2011

[2] Malm. Novel. 101.

[3] Malm 91. Rad Dic 505

[4] Malm 92 Pet Bles 126 Joan Hagul. 258 Chron de Dunstap 677

[5] See Pet. Clun. ep. in Bibliothecâ Clu-

be said that, even in the middle ages they were generally attentive to the interests of learning The first schools had been established in monasteries and cathedrals by the zeal of their respective prelates, that they were perpetuated and improved, was owing to the regulations issued by different pontiffs But now the ancient seminaries began to be neglected for others opened by men, who sought for wealth and distinction by the public display of their abilities, and who established their schools wherever there was a prospect of attracting disciples The new professors were soon animated with a spirit of competition, which, while it sharpened their faculties, perverted the usefulness of their labours. There was no subject on which they would condescend to acknowledge their ignorance Like their Arabian masters,[1] they discussed with equal warmth matters above their comprehension, or beneath their notice As their schools were open to every hearer, they had to support their peculiar opinions against all the subtlety and eloquence of their rivals, and on many occasions were compelled to argue in despite of common sense, rather than allow themselves to be vanquished. Hence the art of reasoning came to be valued as the first of intellectual acquirements The student applied assiduously to the logic of Aristotle, and the subtleties of his Arabian commentators, words were substituted in the place of ideas, multiplied and unmeaning distinctions bewildered the understanding, and a system of scholastic disputation was introduced, which the celebrated abbot of Clairvaux sarcastically defined to be "the art of always seeking, without ever finding, the truth"

As the principal ecclesiastics in England were foreigners, they imported the foreign course of studies Thus Joffrid, abbot of Croyland, procured teachers from Orleans, where he had been educated, and established them at Cotenham, a manor belonging to his convent His object was to open, with their assistance, a school in the neighbouring town of Cambridge At first a large barn sufficed for their accommodation in the second year their disciples were so numerous, that separate departments were allotted to each master Early in the morning the labours of the day were opened by Brother Odo, who taught the children the rules of grammar according to Priscian, at six Terric read lectures on the logic of Aristotle, nine was the hour allotted to Brother William, the expounder of the rhetorical works of Cicero and Quintilian, and before twelve Master Gilbert explained to the theological students the difficult passages of the Holy Scriptures This account, if it be genuine, discloses the real origin of the university of Cambridge[2]

There were few among the scholars of Henry's reign who did not occasionally practise the art of composing in Latin verse A few of them may certainly claim the praise of taste and elegance, but the majority seem to have aspired to no other excellence

macensi, 1109, 1118, and Athelherdi quæstiones naturales perdificiles MS Galba E 4

[1] Thus we learn from Athelheard, that if he had studied among the Moors the causes of earthquakes, eclipses, and tides, he had also been employed in investigating the reasons why plants cannot be produced in fire, why the nose is made to hang over the mouth, why horns are not generated on the human forehead, whether the stars are animals, whether in that hypothesis they have any appetite, with many other questions equally singular and important —See Athelheard's Questiones, ibid

[2] Pet Bles 114 From the mention of the Arabian Averroes, whose works were not then in existence, it has been suggested, that the whole passage is a forgery, designed to exalt the antiquity of Cambridge. It is, however, probable that for such a purpose an earlier date would have been chosen; and the name of Averroes may have been added in the margin, and thence have slipped into the text.

than that of adulterating the legitimate metre by the admixture of middle and final rhymes Latin productions, however, were confined to the perusal and admiration of Latin scholars. The rich and the powerful, those who alone were able to reward the labours of the poet, were acquainted with no other language than their own, the Gallo-Norman, which since the Conquest had been introduced into the court of the prince and the hall of the baron, and was learned and spoken by every candidate for office and power. To amuse and delight these men arose a new race of versifiers, who neglected Latin composition for vernacular poetry In their origin they were fostered by the patronage of the two queens of Henry, Matilda and Alice Malmsbury assures us that every poet hastened to the court of Matilda at Westminster, to read his verses to that princess, and to partake of her bounty, and the name of Alice is frequently mentioned with honour by the contemporary versifiers, Gaimar, Beneoit, and Philippe de Thaun The works of these writers are still extant in manuscript,[1] and show that their authors knew little of the inspiration of poetry The turgid metaphors, the abrupt transitions, and the rapid movements, so characteristic of the Anglo-Saxon muse, though conceived in bad taste, showed at least indications of native genius, but the narratives of the Gallo-Norman poets are tame, prosaic, and interminable, and their authors seem to have known no beauty but the jingle of rhyme, and to have aimed at no excellence but that of spinning out their story to the greatest possible length These poems, however, such as they were, delighted those for whom they were written, and, what was still better, brought wealth and popularity to their authors.

During the reign of Henry, Geoffrey of Monmouth published his History of Britain, which he embellished with numerous tales respecting Arthur and his knights, and Merlin and his prophecies, borrowed from the songs and traditions of the ancient Britons This extraordinary work was accompanied by another of a similar description, the History of Charlemagne and his twelve peers, supposed to be compiled by Archbishop Turpin, from the songs of the French trouveres, and about the same time the adventures of Alexander the Great, by the pretended Dares Phrygius, and Dictys Cretensis, were brought by some of the crusaders into Europe These three works supplied an inexhaustible store of matter for writers in verse and prose, the gests of Alexander, and Arthur, and Charlemagne, were repeated and embellished in a thousand forms spells and enchantments, giants, hippogriffs, and dragons, ladies confided in durance by the power of necromancy, and delivered from confinement by the courage of their knights, captivated the imagination of our ancestors, and a new species of writing was introduced, which retained its sway for centuries, and was known by the appellation of *Romance*, because it was originally written in the Gallic idiom, an idiom corrupted from the ancient language of *Rome*.[2]

[1] Cotton Lib Nero, A 5. Bib. Reg 13, A. 21 MSS Harl. 4482

[2] See the Archæologia, vols xii xiii

CHAPTER II.

STEPHEN —A D. 1135.

CONTEMPORARY PRINCES

Emp of Germ		*K of Scotland*		*K of France*		*K of Spain*
Lothaire II	1138	David I	1153	Louis VI	1137	Alphonso VIII
Conrad III	1152	Malcolm IV.		Louis VII		
Frederic I						

Popes

Innocent II 1143 Celestin II 1144 Lucius II. 1145
Eugenius III 1153 Anastasius IV.

ACCESSION OF STEPHEN—INVASION OF THE SCOTS—BATTLE OF THE STANDARD—MATILDA LANDS—STEPHEN IS MADE PRISONER—MATILDA BESIEGED—STEPHEN OF HIS MOTHER—COMPROMISE BETWEEN HIM AND THE KING—DEATH OF STEPHEN—DISTRESS DURING HIS REIGN

As long as the law of hereditary succession was not definitively settled, the decease of the sovereign in every feudal government was invariably followed by an interval of rapine and confusion Till a new king had ascended the throne, and received the homage of his subjects, it was assumed that there could be no violation of 'the king's peace" and in consequence of this mischievous doctrine, the execution of justice was suspended, the artificial bonds of society were loosened, family feuds were revived, and the most lawless outrages were perpetrated in the face of day, and without the apprehension of punishment As soon as the death of Henry was known, both England and Normandy exhibited the usual features of disorder and licentiousness but in England the violence of the people took a new course, and directed all its efforts to the destruction of the royal forests Henry's passion for the chase had led him to the exercise of the most vexatious tyranny As if the enjoyment of others must diminish his own, he had forbidden his barons to hunt even on their own estates without his special permission. He had ordered his officers to claim the waste lands belonging to individuals as the property of the crown, and if these, on some occasions, were returned to their owners on the payment of a fine, they had been on many others definitively adjudged to the sovereign He had augmented and multiplied the forests, and by the most cruel punishments protected them from the encroachments of men or hounds [1] The whole country, says a contemporary historian, was covered with beasts of chase, which now disappeared as it were by miracle While Henry lived you might have seen them wandering in herds of a thousand together, within a few days after his death you could not discover two head of deer in a whole forest [2]

The king had cheered his last

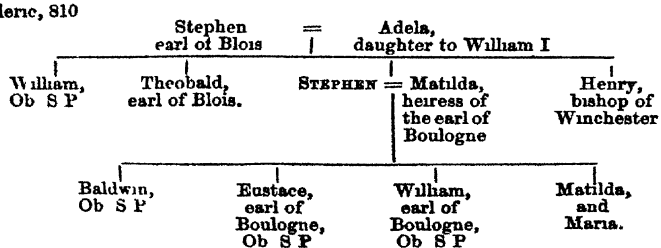
[1] Hunt 221 Brompt 1024. Orderic, 823

[2] Gesta Steph 927.

moments with the hope that by his care the crown had been secured to Matilda it was seized by his nephew Stephen, whom he had cherished with the affection of a father, and had destined to be the future support of her throne Stephen was the third of the four sons that Adela, Henry's sister, had borne to her husband the earl of Blois. William, the eldest, was content with the patrimony of his wife, the heiress of Soliew, Theobald, the second, had succeeded to the dominions of his father, and Henry, the youngest, from a convent of Cluniac monks, had been called to govern the abbey of Glastonbury, and from Glastonbury had been promoted to the bishopric of Winchester Stephen alone had attached himself to the fortunes of his uncle From him he had received with the honour of knighthood several valuable estates in England, had earned by his valour in the field of Tenchebrai the Norman earldom of Moretoil, and afterwards, by his marriage with Matilda, the daughter of the earl of Boulogne, had succeeded to the territories of his father-in-law[1] At each step his ambition had expanded, and on the death of Henry it urged him to become a candidate for the throne He could not, indeed, claim it as the next in descent, but that was a trifling objection, which might equally have been urged against the four preceding monarchs He was sprung from the Conqueror, was popular in England, might depend on the assistance of his brother Henry, and, what was of still greater importance, could be present on the spot, while his competitor would probably be detained on the continent

With these views and expectations Stephen sailed from Whitsand, and landed on the coast of Kent He was excluded from Dover and Canterbury by the inhabitants, who knew or suspected the real objects of his journey,[2] but he was received with welcome by the citizens of London, who immediately proclaimed him king, and by those of Winchester, whom his brother had secured to his interest At Winchester he was joined by the archbishop of Canterbury, by Roger, the powerful bishop of Sarum, and by William de Pont de l'Arche, who placed in his hands the keys of the castle, with those of the royal treasures It was determined to proceed immediately to his coronation He had, indeed, himself, as well all his adherents, sworn allegiance to the empress Matilda, but this difficulty was solved by the convenient doctrine, that no oath is binding which is extorted by force, and, if any scruple remained (for the primate affected to feel some scruple), it was removed by the declaration of Hugh Bigod, the steward of the household, who boldly swore that Henry on his death-bed had disinherited his daughter, and

[1] Orderic, 810



Matilda, the wife of Stephen, was daughter to Maria, the sister of Henry's queen, Matilda Gervase, 1340

had left his crown to Stephen Though neither prelates nor barons had yet arrived or signified their acquiescence, the ceremony of his coronation was performed, and the new king promised upon oath not to retain the vacant prelacies for his own profit, not to molest laymen or clerks in the possession of their woods and forests, nor to levy the Danegelt, though it had been repeatedly exacted by his late uncle [1]

The character of Stephen at this period has been drawn by his adversaries as well as his partisans and if there be some difference in the colouring, the outlines of the two pictures are perfectly similar It is admitted that he was prompt in decision and bold in action, that his friends applauded his generosity, and his enemies admired his forbearance, that he won the high by courtesy, the low by condescension, all by his affability and benevolence [2] He had long been the most popular nobleman in England, and men were inclined to favour the pretensions of one whom they loved The royal treasures, which he distributed with profusion, while they confirmed the fidelity of his adherents, brought to his standard crowds of adventurers, who intimidated his enemies Nor should it be forgotten, that there was a kind of spell in the very name of king, which he now bore, and that his claim was sanctified in the eyes of many by the imposing ceremony of his coronation His court was soon attended by the neighbouring barons; the more distant hastened to do him homage; even Robert, earl of Gloucester, the brother and counsellor of Matilda, consented to swear fealty to him. The last who acknowledged him, were the new families, that had been raised to opulence by the policy of Henry Whether it were through affection to the memory of their benefactor, or through fear of the jealousy of their rivals, they demurred for awhile, but at length, allured by the promises, and awed by the threats, of the new king, they joined the torrent, and the succession of Stephen was admitted by the whole nation [3]

In the month of January the corpse of the late monarch arrived at the abbey of Reading Stephen, to demonstrate his respect for his uncle, proceeded to meet it with all his attendants, and placed his shoulders under the bier [4] When the ceremony of the interment was concluded, he rode to Oxford, and in a numerous assembly of prelates and barons, renewed the promises which he had made at his coronation before a few of his friends He swore not to retain in his hands the vacant bishoprics and abbeys, to restore to the clergy and laity their respective forests, to grant to every individual the liberty of hunting on his own lands, to remit the annual tax of two shillings per hide, frequently mentioned under the name of Danegelt, to restore the ancient laws, and enforce the ancient mulcts in pleas and trials, and to give permission to his barons to build such castles on their estates as were necessary for their own security [5] In a subsequent assembly he produced a letter from the pope, Innocent II, confirming his succession to the crown,[6] and granted additional liberties to the

[1] Malm 101 Gesta Step 928, 929. Orderic, 902 Hunt 221

[2] Gest Step 928 Malm 101.

[3] Malm. 101 Gesta Steph 929

[4] Gervase, 1340

[5] Hunt 221 Bromp 1042 Malm 101 In this charter he says nothing of the remission of the Danegelt, or of the permission to build castles —Stat of Realm, 1 3.

[6] Joan Hagul 259 The instrument itself has been preserved by Richard of Hexham. It states that letters had been sent to the pontiff by the bishops, the king of France, and Theobald of Blois, informing him, that to put an end to the disturbances caused by

church. The prelates in return renewed their oath of allegiance, but with a conditional clause which had previously been adopted by some of the lay barons, that they would be faithful to him as long as he faithfully observed his engagements [1]

It is now time to direct the reader's attention to the daughter of Henry Unsuspicious of the designs of her cousin, she entered Normandy in the first week of December, and was admitted into Damfront and the neighbouring towns. Her husband followed with a numerous body of Angevins, but their excesses, which he would not or could not restrain, revived the animosity that had formerly divided the two nations, and before the end of the month he was driven back with disgrace into his own territories. The Norman barons assembled, and prepared to offer the duchy to Theobald, but a message from Stephen induced them to alter their resolution, and to preserve on its former footing the connection between the two countries [2]

In Britain, the first who drew the sword in the cause of Matilda was David, king of Scotland He had sworn to support her succession, and at the commencement of the year he crossed the borders, reduced Carlisle, Norham, Alnwick, and Newcastle, and compelled the inhabitants to take an oath of fealty to the daughter of Henry He had reached the walls of Durham, when he was opposed by Stephen at the head of a numerous army. The risk of an engagement induced him to pause if he was the uncle of the empress, so was he likewise of the consort of her antagonist a peace was speedily concluded, and to cement the friendship of the two kings, Henry, prince of Scotland, did homage to Stephen, and received from him the towns of Carlisle, Doncaster, and Huntingdon [3]

While the king was detained in the north, every cantred in Wales had risen in arms. It probably was indifferent to their chieftains, whether the sceptre were swayed by Matilda or Stephen, but they eagerly seized the opportunity to punish their ancient foes, and after they had satiated themselves with plunder and carnage, retired to their mountains, where they were suffered to remain unmolested, while the king's attention was engaged by more formidable enemies [4]

Normandy for many years presented a most lamentable spectacle, torn by intestine divisions, and alternately ravaged by opposite parties Both the Angevins, who supported the interest of Matilda, and the mercenaries, who, under William of Ipres, fought in the cause of Stephen, were equally objects of hatred to the natives As often as Geoffrey passed the frontiers, the aversion of the Normans opposed an insuperable obstacle to his progress as often as William undertook an expedition, his efforts were paralyzed by the secret, or opposed by the avowed hostility of his own party. Stephen had indeed this advantage

the death of Henry, Stephen had been chosen king by the common wish and unanimous assent of the barons and people No mention is made of Matilda, or the oaths that had been taken to her, nor do the words imply any assumption of temporal superiority on the part of Innocent Quod de te factum est gratum habentes, te in specialem beati Petri et sanctæ Romanæ ecclesiæ filium affectione paterna recipimus, et in eadem honoris et familiaritatis prerogativa, qua prædecessor tuus a nobis coronabatur, te propensius volumus retinere — Ric. Hagul 314.

[1] Ibid. Malm 101 I am not sure that there was anything very extraordinary in this conditional allegiance Such clauses were usual at least among the Anglo-Saxons —Leg Sax 401 [2] Orderic, 902, 903

[3] Joan Hagul 259 Ric Hagul 312 David claimed Cumberland, as having formerly belonged to the heir apparent of the Scottish kings, and Northumberland and Huntingdon, as having been held by Waltheof, whose daughter he had married Stephen refused Northumberland for the present, but gave Doncaster as a substitute

[4] Gest. Step 930.

over his rival, that he had received the investiture of the duchy from Louis, to whom, after the precedent set in the last reign, his son Eustace had done homage in the place of the king himself Still his real authority was limited to the few towns garrisoned by his troops The great barons retired within their castles, maintained an air of independence, and by occasionally waging war on one another, and supporting, as interest, or caprice, or resentment induced them, sometimes the cause of Stephen, sometimes that of Matilda, contributed to prolong the miseries of their suffering country

In England a similar spirit of outrage and insubordination had been lately created During the preceding reigns few of the nobility had been permitted to fortify their castles It was a privilege granted with a sparing hand, and confined to the royal favourites But since the accession of Stephen, every petty chieftain erected his fortress, assembled a body of military retainers, and, confident in his own strength, provoked the hostility of his neighbours, or defied the execution of the laws To repress these local tyrants was a task of some difficulty and perpetual recurrence It was necessary to levy armies, to surround each fortress, and to conduct the siege according to all the forms of war. The patience of other men would soon have been exhausted, but Stephen in the hour of victory was sure to listen to the prayer of the vanquished,[1] till he found that his indulgence multiplied the number of offenders, and encouraged their obstinacy, and in a moment of self-reproach or resentment, he ordered Arnulf of Hesdin, and his ninety-three associates, to be hanged.[2] By our ancient chroniclers the particulars of these petty wars are narrated at considerable length, the reader of the present day will notice with greater interest two occurrences, which were more important in their consequences, and are highly characteristic of the manners of the age

I The battle "of the Standard" was long a subject of exultation to the inhabitants of the northern counties The king of Scots had resumed hostilities, urged, it is said, either by letters from Matilda, who reminded him of his former engagements in her favour, or by resentment at the conduct of Stephen, who had promised and then refused him the earldom of Northumberland Within the first six months of the year 1138 he twice crossed the borders, and as often retired at the real or the rumoured approach of the king of England In August he advanced a third time, and penetrated into Yorkshire In all these expeditions, the Scots conducted the war with the ferocity of savages; and the northern writers lament with tears of grief and resentment the profanation of the churches, the conflagration of the villages and monasteries, and the promiscuous slaughter of the children, the aged, and the defenceless. It is said that only a few females distinguished by their birth or beauty were spared by the caprice of the barbarians, and these, stripped of their clothes, tied to each other with thongs, and driven at the point of the spear, were conducted into Scotland, where, after suffering every kind of indignity, they were retained as slaves to their captors, or bartered by them for cattle to the neighbouring chieftains[3] In the common despair, Thurstan, the old

[1] Erat enim mitissimus hominum super terram ad ignoscendum promptissimus — Regin Dun p 127, published by the Surtees Society. By that writer and two other contemporaries in Palgrave (ii xxxi lii) he is called Pissimus Rex Stephanus, which seems to have been his usual appellation.

[2] Orderic, 917

[3] On this occasion the palm of barbarity was given to the Picts, the men of Gallo-

archbishop of York, displayed in a decrepit frame the energy of a youthful warrior He assembled the northern barons, exhorted them to fight for their families, their country, and their God, assured them of victory, and promised heaven to those who might fall in so sacred a cause At the appointed time they repaired to York with their vassals, and were met by the parochial clergy with the bravest of their parishioners, three days were spent in fasting and devotion, on the fourth Thurstan made them swear never to desert each other, and dismissed them with his blessing Two miles beyond Northallerton they received advice of the approach of the Scots; and the standard, which gave name to the battle, was hastily erected, the mast of a vessel strongly fastened into the framework of a carriage In the centre of the cross which rose on its summit was fixed a box of silver, containing the sacrament, and below waved the banners of three patron saints, Peter, Wilfrid, and John of Beverley From its foot Walter Espec, an experienced warrior, harangued his associates; and at the conclusion of his speech, giving his hand to William of Albemarle, exclaimed in a loud voice, "I pledge thee my troth, either to conquer or to die" His words kindled a similar enthusiasm among his hearers, and the oath was repeated by every chieftain with confidence of success But the Scots now approached, the signal was given, the English knelt on the ground, and the bishop of the Orkneys, the representative of Thurstan, read the prayer of absolution from the carriage With a loud shout they answered "Amen," and rose to receive the shock of the enemy.

In the Scottish army the honour of commencing the action was disputed by the natives o Galloway, the descendants of the ancient Picts, and the men-at-arms, most of whom were English or Norman exiles. The king was inclined to pronounce in favour of the latter, when Malise, earl of Strathern, exclaimed, "Why should we trust so much to these Frenchmen? I wear no armour, but there is not one among them that will keep pace with me to-day" "You boast, earl," replied Alan de Percy, "of what for your life you cannot perform." David, however, to content his subjects, allotted to the men of Galloway the place of honour The second division was composed of the archers, and natives of Tiviotdale and Cumberland, under the command of Prince Henry, who had for his guard a detachment of men-at-arms led by Eustace Fitz-John. The natives of Lothian and the isles formed the third line, behind which was David himself, with a guard of knights, the Scots, and the men of Moray, as a body of reserve In this disposition, favoured by a mist, they had advanced towards the English, who would have been surprised before they could have marshalled their forces, had it not been for the address of Robert de Bruce and Bernard de Baliol, two barons who held lands both in England and Scotland These repaired to David, exhorted him to peace, and offered the county of Northumberland as the price of his retreat. He refused the proposal, and they, renouncing him for their lord, bade him defiance.

In their return, they were closely followed by the Scots, who, raising three shouts, after the manner of their nation, rushed on the English. The first ranks, unable to bear the pressure, retired slowly towards the standard, and the two flanks were surrounded and disordered by the multitude of the enemy, but the centre formed an impenetrable phalanx, which no shock could dissolve. It was in vain that

way. Picti, qui vulgo Gallewelenses, vocantur.—Ric. Hagul. 316

the assailants sought with their swords to break through this forest of spears Their courage only exposed them to the deadly aim of the archers; and at the end of two hours, disheartened by their loss, they wavered, broke, and fled. The king alone, surrounded by his guards, opposed as he retired, the pursuit of his foes, the rest dispersed themselves in every direction [1] Prince Henry, who had penetrated to the rear of the hostile army, observing that the dragon, David's banner, was leaving the field, threw away the ensigns of his dignity, and joined as an English knight in the pursuit, till he found an opportunity of concealing himself in the woods On the third day after his father, he reached Carlisle, where David was employed in collecting the relics of his army Of seven-and-twenty thousand men, nearly one-half had perished in the battle and and flight [2]

David was still able to continue the war, and sent a body of forces to besiege the castle of Wark, in Northumberland At Carlisle he was visited by the cardinal Alberic, who had landed in England as papal legate This virtuous monk had passed through the tract which had been the theatre of Scottish depredation, and was so affected with the horrors which he had witnessed, that on his knees he conjured the king to consent to a peace David was inexorable, but out of respect to the petitioner, he granted a truce for two months, promised that all the females who had been consigned to slavery in Scotland should be conducted to Carlisle, and liberated on the feast of St Martin; and gave his word that in future wars the churches should be respected, and protection should be extended to the weak and unresisting. Peace, however, was concluded in the beginning of the following year Prince Henry obtained the earldom of Northumberland, with the exception of Newcastle and Bamborough, and five noblemen, the sons of earls, were delivered to Stephen as hostages for the pacific conduct of the Scottish monarch.[3]

II While the northern counties thus suffered the horrors of barbarian warfare, Stephen had been detained in the south to repress the disaffection of his barons From the laity he directed his arms against the clergy Roger, bishop of Sarum, though no longer the first minister of the crown, was still possessed of considerable influence in the nation. His castles were strongly fortified, and plentifully provided with warlike stores, a numerous retinue of knights accompanied him wherever he appeared, and his two nephews, Alexander, bishop of Lincoln, and Nigel, bishop of Ely, imitated the secular pomp, and military parade, of their uncle In appearance nothing could exceed the obsequiousness of the three prelates to the king, but he suspected that under this mask they concealed a secret attachment to his rival Matilda. His favourites, the enemies of Roger, watched and nourished his jealousy, they observed that his mind was irritated by the repeated rumours of an approaching invasion, and they convinced him that the ruin of the bishop of Sarum was necessary for his own security. An assembly of prelates and barons was held at Oxford in the month of June; and in consequence of a preconcerted plan, a quarrel was excited between the retainers of Roger

[1] Serlo describes the flight of the men of Galloway in the following elegant lines —

Truces quoque Gawedenses tremebundi fugiunt,
Et quas prius extulerunt, caudis nates comprimunt —*Serlo*, p. 331

[2] Compare Richard of Hexham (De Gest Steph 315) with Ailred of Rieval (De Bello Standardi, 338) Serlo (p 331) says, that from the number of sacks filled with plunder, which the Scots threw away in their flight, the place acquired the name of Bagmoor

[3] Ric. Hagul. 330.

and the servants of two foreign noblemen, Alan of Bretagne, and Hervey of Leon The next day the bishops of Sarum and Lincoln were arrested, the former in Stephen's chamber, the latter in his own lodgings They were confined in separate dungeons, accused of violating the king's peace, in his own court, and informed that he would accept of no other reparation than the surrender of their castles. By the advice of their friends they gave up Newark, Salisbury, Sherburn, and Malmsbury. Devizes remained in the possession of the bishop of Ely, who, when his uncle was arrested, had escaped from his pursuers, and, confident in the strength of the fortress, defied the power of his sovereign On the third day Roger was conducted before the gate, pale and emaciated He conjured his nephew to save his life by submission, for the king had sworn that the bishop should receive no nourishment until the castle should be delivered into his hands Nigel reluctantly acquiesced, and Stephen took possession of Devizes By the clergy the intelligence of this outrage was received with surprise and consternation. To them Stephen had been indebted for his succession to the throne; they still contributed to support him on it Yet now he had shown himself the enemy of their order, he had illegally usurped the property of the church, he had impiously laid violent hands on prelates, whose persons had hitherto been deemed sacred. His brother Henry, whom Innocent II had lately invested with the authority of papal legate, whether it was that he thought it his duty to uphold the privileges of the clergy, or that he foresaw the evils which would result from the disaffection of so powerful a body, repeatedly conjured the king both in public and in private to offer satisfaction to the injured prelates Stephen was inexorable, and the legate summoned him to justify his conduct in a synod of bishops [1]

In the assembly Alberic de Vere, as counsel for the king, upbraided Roger and his nephews with their attachment to Matilda, charged them with having excited a riot at Oxford, and maintained that they had spontaneously surrendered their castles as a compromise for that offence The legate answered, that the three bishops were willing to abide their trial, but previously demanded the restitution of their property Nor could the demand be fairly refused It was the uniform practice in every court of justice, when an individual had been deprived of his property by open violence, to order its restoration before he could be called upon to plead. This observation seems to have disconcerted Alberic, who demanded time to prepare his answer

The next morning he came, accompanied by the archbishop of Rouen That prelate said that he did not dispute the law as it had been laid down by the legate, but he contended that it did not apply to the present case Bishops were obliged to live according to the canons, which forbade them every kind of military pursuit, whence it followed that the three prelates could not claim the restitution of fortresses, which it was unlawful for them to hold If they formerly possessed them, it was by the king's indulgence, an indulgence which he might reasonably recall whenever he conceived his crown to be in danger. Alberic then appealed in Stephen's name to the

[1] I may here observe that "your majesty," a title now given to kings only, was at this period given without distinction to persons in authority Thus, in a letter from the abbot of Westminster to this prelate, we read, "Egregiæ majestatis vestræ præconia "—New Rym i 16. In the next page the same title is given by Stephen to Pope Innocent II.

pope, and forbade the council under pain of the royal displeasure to proceed any further At these words the knights who had followed him drew their swords, and the legate dissolved the assembly He made, however, a last attempt, and, accompanied by Theobald, the new archbishop of Canterbury, threw himself at the feet of his brother Stephen remained inflexible, but had soon reason to repent of his obstinacy.[1]

On the first of September the synod was dissolved, on the last day of the same month Matilda landed on the coast of Suffolk With the small force of one hundred and forty knights she undertook to conquer the throne of her father, but the temerity of the attempt was justified by the promises of her partisans, and the dispute between Stephen and the clergy Her brother Robert, the soul of the enterprise, with twelve companions, left her to join his friends in the west, and by unfrequented roads eluded the pursuit and vigilance of his enemies, Matilda herself, at the invitation of the queen dowager Alice, retired within the strong castle of Arundel. Stephen soon appeared at the foot of the walls, the princesses were alarmed, the queen pleaded in excuse the duty of hospitality, the empress solicited the permission to follow her brother, and such was the weakness or infatuation of the king, that to the astonishment of both friends and foes, he accepted the apology of the one, and granted the request of the other If we may believe Malmsbury, this measure, so prejudicial to the royal interests, was nothing more than an act of courtesy, which no knight could refuse to his enemy[2] If we listen to the panegyrist of Stephen, it was the result of a false policy, which taught that the war would be easily suppressed if it were confined to one corner of the island He even hints that it was owing to the perfidious councils of the bishop of Winchester[3] It is certain indeed that Henry of late had reason to be dissatisfied with his brother, it was rumoured that instead of intercepting the earl Robert in his flight, he had even sought a private interview with that nobleman, and had bound himself to the interest of Matilda To his care the empress was intrusted during her journey from Arundel to Bristol, the head-quarters of her brother.

England was now exposed to all the horrors of civil war The garrisons of the royal fortresses supported the cause of Stephen, the standard of Matilda was unfurled at Gloucester and Bristol, Canterbury and Dover, places which Robert held from the gift of his father, the late monarch. Each competitor had numerous partisans, but the majority of the barons, shut up in their castles, either affected to observe a strict neutrality, or, under the mask of a pretended submission, maintained a real independence[4] The execution of justice

[1] See the history of this transaction, related with some discrepancy as to minor circumstances, by Malmsbury, who attended at the council (Novel. 102—104), and two other contemporaries, Ord (p 919), and the author of the Gesta Stephani (944, 945) Roger died on the 11th of December of a broken heart To save the remainder of his treasures from the royal rapacity, he gave them to his church, and placed them on the altar They were carried off by the orders of Stephen, even before the death of the bishop —Malm 104

[2] Malm 104. [3] Gesta Steph 947.

[4] As sieges form the principal feature in the military transactions of this period, it may not be amiss to add a description of one of the ancient castles The *keep*, the lord's residence, was surrounded, at a convenient distance, by a wall about twelve feet high, surmounted by a parapet, and flanked with towers Without the wall was excavated a deep moat, over which a drawbridge was thrown, protected by a tower, called the barbican, on the external margin of the moat. This formed the outward defence of

was suspended, the defenceless were alternately plundered by the adverse parties, rival chieftains made war on one another, and no man was secure unless he possessed the means to repel the open, and the vigilance to defeat the secret, attacks of his enemies At length in an evil hour, Stephen was persuaded to besiege the castle of Lincoln, which had been surprised by Ranulf, earl of Chester, a nobleman who had offered his services to both the king and the empress, and who had been equally mistrusted by both Confiding his wife and family to the faith of the garrison, Ranulf escaped through the besieging army, and flew to implore the assistance of the earl of Gloucester With ten thousand men Robert hastened to surprise the king, but, when he had swum across the Trent, found the royal army drawn up to receive him Stephen, with the most trusty of his adherents, had dismounted, and placed himself at the foot of his standard, and each flank was protected by a small squadron of horse, under the command of noblemen of suspicious fidelity At the first shock the cavalry fled, the mass of infantry, animated by the presence of the king, firmly withstood the efforts of the multitude by which it was surrounded. Stephen fought with the energy of despair, his battle-axe was broken, his sword was shivered, a stone brought him to the ground, and William de Kains, seizing him by the helmet, claimed him as his prisoner Still he struggled with his opponents, and refused to surrender to any man but his cousin of Gloucester. The earl took possession of the captive, and presented him to Matilda The conduct of that princess does little honour to her humanity Stephen was loaded with chains, and confined in the castle of Bristol, though to justify such rigour, it was pretended that he had drawn it on himself by his repeated attempts to escape [1]

This unexpected blow had broken the hopes of the royalists The wavering or suspected were now eager to bend the knee to the empress, and the captives gladly surrendered their castles as the price of their freedom Matilda alone, the queen of Stephen, affected a show of resistance in the county of Kent, not with the vain hope of recovering her husband's crown, but to obtain time to negotiate for his liberty. Her

the place The *keep* was a strong square building, with walls about ten feet thick, and five stories in height Of these the lowermost consisted of dungeons for the confinement of captives, the second contained the lord's stores, the next served for the accommodation of the garrison, in the fourth were the state-rooms of the baron, and the uppermost was divided into sleeping apartments for his family. The only portal or entrance was fixed in the second or third story, and generally led through a small tower into the body of the *keep* The ascent was by a flight of steps fixed in the wall, and carefully fortified to prevent the entrance of an enemy About the middle stood a strong gate, which it was necessary to force open, on the landing-place was a drawbridge, and then came the door itself, protected by a *herse*, or portcullis, which ran in a groove, and was studded with spikes of iron. It is not surprising that fortresses of this description should have withstood the efforts of the most powerful monarchs before the invention of cannon See Du Cange, *in voce*, King, Archæol. vol iv Grose, Pref 5—8

[1] Malm 106 Hunt 224 Gesta Steph 952 Orderic, 922 It is with regret that I here take leave of Orderic, whose age and infirmities induced him to lay down the pen soon after the battle of Lincoln. He was an Englishman, a native of Shropshire In his sixth year he was sent to the school of the priest Siward, in Shrewsbury, in his eleventh he was intrusted to the care of the abbot of St Evroul in Normandy, who changed his English name into that of Vitalis In this monastery he spent, as he informs us, fifty-six happy years, respected by his brethren, and employed in literary composition This brief account is extracted from the edifying address to the Deity, with which he concludes his History an address, which no man can read without learning to venerate the character of this pious and laborious monk —See his History, p 924.

feeble efforts were despised by the victors but they beheld with anxiety the dignified reserve of the bishop of Winchester, who, from his birth, his riches, and his legatine authority, might prove a most formidable adversary To allure him to the party of the empress became the first object of her politics, and, after several messages, he consented to meet her on the open downs in the neighbourhood of Winchester It was the second of March, a day, says the historian, dark and stormy, as if the elements portended the calamities that ensued Matilda swore, and her brother and barons pledged their word for the performance of her oath, that if the bishop and the church would acknowledge her for "England's lady," she would allot to him the first place in her councils, and intrust to his discretion the disposal of vacant abbacies and bishoprics. In return he also swore, that he would bear true allegiance to her as his sovereign, as long as she should fulfil her engagements to him as her vassal The next day, accompanied by several bishops, and by the monks, clergy, and citizens of Winchester, he conducted her in procession to the cathedral, and mounting the steps of the altar, solemnly blessed all who should bless and obey her, and cursed all who should curse and resist her His example was in a few days imitated by the archbishop of Canterbury and other prelates, but not till they had obtained from the captive king a release from their former allegiance [1]

In the treaty between Matilda and the bishop, it had been stipulated that the church should ratify her accession to the sovereign authority. A synod was accordingly convened in the beginning of April, and the members were divided into three classes, the bishops, the abbots, and the archdeacons, with each of whom the legate conferred separately and in private The next day he publicly addressed them in a speech of considerable ability. He contrasted the turbulent reign of Stephen with the tranquillity which England had enjoyed under the government of the late king Had that prince left a male heir, they might still have been happy, but fortune deprived him of his son, and they swore fealty to his daughter as to their future sovereign. She chanced to be absent at the time of his death, England was instantly thrown into confusion, and the necessity of providing for the public peace had compelled them to place the crown on the temples of Stephen But that unfortunate monarch (it was with shame and regret that he spoke harshly of his own brother) had disappointed all their hopes, had violated all his promises, had neglected the execution of the laws, had invaded the property and infringed the liberties of the church, and by his indolence and violence had proved himself unworthy of his station God had at length pronounced judgment against him by throwing him into the hands of his enemies,[2] and it again became necessary to provide for the tranquillity of the kingdom by appointing some one to exercise the sovereign authority In the name,

[1] Malm 105 Gervase, 1354.

[2] From the doctrine of a superintending Providence, the piety of our ancestors had drawn a rash but very convenient inference, that success is an indication of the Divine will, and that of course to resist a victorious competitor is to resist the judgment of Heaven. Thus when the ambition of Stephen grasped the sceptre which had been secured to Matilda, we were told that it was Providence which placed it in his hands (Ric. Hagul. 313), and now that he is become the captive of the same princess, it is the same Providence which pronounces him unworthy of it —Malm 105 Many instances of the like nature will occur to the reader who is familiar with the writers of the middle ages It was proper to mention this doctrine, as it serves to explain the facility with which men accommodated themselves to every revolution, whether the cause were good or bad.

therefore, of the clergy, whose right it principally was to elect and ordain kings, and in consequence of the will of the majority expressed in their preceding deliberations, he declared that they had chosen Matilda, the daughter of Henry, to be sovereign lady of England and Normandy Some listened to this speech in silence the rest approved it by repeated acclamations [1]

An adjourned session was held on the following morning, to accommodate the deputies of the city of London, who had arrived too late to assist at the preceding deliberations. When the result was announced to them, they replied that they had no powers to assent to the election of a new sovereign, but were confined by their instructions to solicit the liberation of Stephen. They were followed by Christian, chaplain to the queen of that monarch, who, in defiance of the legate, read to the assembly a letter from his mistress, calling on the clergy to unite their efforts in favour of a prince to whom they had sworn allegiance, and who was detained in captivity by his perfidious vassals In return, the bishop, with great moderation, urged the arguments which he had employed on the preceding day; and the Londoners, after consulting apart, signified their approval of his reasoning, and promised to recommend it to the consideration of their fellow-citizens [2]

By this declaration of the clergy, Matilda flattered herself that she had secured the object of her ambition her hopes were defeated by the impolicy of her own conduct Naturally haughty and vindictive, she indulged these passions in the insolence of success, which she had carefully repressed as long as she was awed by the prospect of resistance She had been admitted into London, and had issued orders for her coronation but in the interval the affections of her friends were alienated by her arrogance, and the aversion of her enemies was inflamed by fines and prosecutions To the solicitations of Stephen's queen for the release of her husband she replied in terms of personal insult, and, when the legate requested, that on the solemn resignation of the crown by his brother, the earldoms of Boulogne and Moretoil should be conferred on his nephew Eustace, he received a most contemptuous refusal. Neither did she attempt to conciliate the wavering minds of the Londoners. She imposed on them a heavy tax, as a punishment for their former attachment to Stephen, and scornfully refused their petition for the restoration of the privileges which they had enjoyed under Edward the Confessor The queen of the captive monarch resolved to avail herself of the imprudence of her rival A body of horse under her banner appeared on the south side of the city, instantly the bells sounded the alarm the populace ran to arms; and the empress would have been a prisoner, had she not sprung from table, mounted her horse, and saved herself by a precipitate flight Her most faithful friends accompanied her to Oxford, the rest dispersed to their respective castles [3]

In this reverse of fortune, Matilda began to suspect the sincerity of the legate, and her suspicions were con-

[1] See the speech in Malmsbury, who was present, and professes to repeat the very words of the legate —Malm 105.

[2] Malm 109 From this writer we learn that the citizens of London formed a body of considerable importance in the state They were considered as barons Qui sunt quasi optimates pro magnitudine civitatis — Ibid They also admitted barons into their body In communionem Londoniarum recepti —Ibid

[3] Contin Flor 677 Gesta Steph 954. Malm 106 From these writers it appears that the most powerful prelates and barons were accustomed to bend the knee when they solicited any favour from their sovereign

firmed by the intelligence of a secret interview between him and his sister-in-law in the town of Guildford. She sent him a peremptory order to attend her court He returned the ambiguous answer that "he was getting himself ready" She resolved to surprise him at Winchester As she entered by one gate he departed by another Defeated in these attempts, she summoned to her aid her brother Robert, earl of Gloucester, her uncle David, king of Scots, Milo, earl of Hereford,[1] and Ranulf, earl of Chester, and from the castle, in which she resided, vigorously besieged the episcopal palace, and a fortress which the bishop had erected in the heart of the city That prelate flew to the assistance of his friends, and as he was speedily reinforced by the queen and the Londoners, in a short time the besiegers themselves were besieged During seven weeks, each day was signalized by some daring attempt or splendid exploit Between the two parties the city was plundered and set on fire, and the reader may judge of the extent of the conflagration, when he learns that forty churches and two abbeys were consumed[2] Still the number of the royalists increased, their parties occupied every road, and the adherents of Matilda began to experience the privations of famine In this situation, with no probability of victory, if they were to fight, their only choice was to flee, and they selected for the attempt a Sunday, when the vigilance of the enemy might be relaxed by the duties of religion Early in the morning Matilda, with a strong escort, left the castle, her brother Robert followed at a distance, with a number of knights, who had engaged to risk their liberty and lives for her safety[3] At Stourbridge they sank under the pressure of their pursuers, and the whole party was killed or captured Matilda herself, attended by her faithful Brian Fitz-Count, reached Luggershal, whence, having taken some refreshment, she hastened her flight to the castle of Devizes The king of Scots was thrice taken, and as often redeemed himself from his captors Milo, alone, and almost naked, reached the castle of Gloucester, the rest either fell into the hands of the conquerors, or on foot, and in the disguise of peasants, escaped, after many adventures, to their respective homes[4]

To the praise of the queen it is recorded that she treated the captive earl of Gloucester with more generosity than could have been expected by the man who still kept her husband

[1] Milo had been sheriff of Gloucester, under Earl Robert, and at his own expense had hitherto supported the household of the empress —Cont Wig 677 A few days before her arrival at Winchester she created him earl of Hereford From the patent, the oldest upon record, the reader may form a notion of the advantages which were then annexed to the dignity of earl With the title Milo obtained the castle and moat of Hereford, the services of three knights or barons and of their retainers, three manors from the royal demesnes, a forest, and a right to the third penny of the rents of the city, and a third penny of the sums arising from causes tried in the courts of the county, to be held by him and his heirs of Matilda and her heirs in fee. The patent is dated July 25th, 1141 —Rymer, 1 19

[2] The continuator of Florence, who was the friend of Milo, and his copyist Gervase, attribute the conflagration to the resentment of Henry (Cont Wig 677. Gerv 1356), but as he was not in the city, I prefer the account of the other contemporary writers, who tell us that it arose from the attempts of the garrison to expel the enemy from the houses in the vicinity of the bishop's palace —Gesta Steph 956 Malm. 107 It should be remembered that the houses of the burgesses were built of wood

[3] Here again I prefer the narratives of Malmsbury and the author of the Gesta Stephani —Ibid

[4] Gesta Steph 956. Malm 108. Contin Wig 677 The latter says that not finding herself in security at Devizes, Matilda was placed on a bier like a corpse, and drawn on a hearse from that castle to Gloucester. Had this story been true, it would certainly have been known and mentioned by the other writers of the time.

in chains In the castle of Rochester he enjoyed every indulgence which was compatible with the security of his person, and after some negotiation it was agreed that he should be exchanged for the king.[1] By this revolution the two parties were placed in the same relative situation in which they had stood before the battle of Lincoln only the legate, who had alternately sided with each, found himself in a most awkward predicament In a synod of the clergy, which was convened at Westminster, it was expected that he would attempt to justify his conduct At the opening was read a real or pretended letter from the pope, ordering him to make every effort for the liberation of his brother Stephen, who was present, then spoke, and complained of the injuries which he had received from men who were his vassals, and to whom he had never refused justice At last the legate rose He owned that he had supported the cause of Matilda, but pleaded that he had been dragged to it by necessity, not allured by affection, she, however, had violated all the promises which he had exacted from her, and had even assented to a plot to deprive him of liberty and life, but God had punished her perfidy, and had now restored the king to his throne He therefore exhorted the clergy to oppose Matilda, and to excommunicate her adherents. In the course of this address he was interrupted by one of her friends, who in her name accused him of being the cause of all these calamities. It was, he said, by the invitation of the legate that she had come to England; with his knowledge that the expedition to Lincoln had been undertaken; and by his advice that the king had been loaden with chains, and he concluded with forbidding him, by the fidelity which he had sworn to her, to publish any decision to her prejudice Henry heard him with apparent composure: his countenance betrayed no emotion of shame, nor did he return one angry word to these invectives Before the synod was dissolved, the sentence of excommunication was pronounced against all who should erect new castles, or invade the rights of the church, or offer violence to the poor and defenceless.[2]

Both parties were now ready to recommence hostilities but a long and dangerous sickness confined Stephen to his chamber, and Robert embraced the opportunity to sail to the continent, and solicit the aid and presence of Geoffrey, the husband of Matilda By that prince, to whom his wife had long been an object of aversion, the invitation was declined. He had undertaken the reduction of Normandy, and refused to abandon the enterprise till his success was complete, but he was willing to intrust to the care of the earl his eldest son Henry, the legitimate heir of Matilda.[3] Several months were lost by the tergiversation of Geoffrey, and in the mean time Stephen had marched to Oxford, the residence of the empress As the garrison came out to meet him, he swam across the river, put his enemies to flight, entered the gates with the fugitives, and set fire to the city Matilda retired into the castle he sat down before it, and so confident was he of the capture of his rival, that no inducement, not even the arrival of Robert with his nephew Henry, nor the loss of several fortresses, nor the severity of the winter, could withdraw him from the siege The strength of the fortifications bade defiance to all his efforts, but at the end of ten weeks the provisions of the garrison were consumed and Matilda was a third time reduced to the risk of a clan-

[1] Malm 109.

[2] Malm. 108. Gerv. 1357 [3] Malm. 109.

destine and precipitate flight It was a severe frost, and the ground was covered with snow Attended by three knights, clothed in white, she issued at a very early hour from a portal the nearest sentinel, who had been previously bribed, conducted her in silence between the posts of the enemy, the ice bore her across the Thames, she reached Abingdon on foot, and thence rode with expedition to Wallingford This, the most extraordinary of her adventures, was a subject of astonishment to her enemies by her friends it was deemed a convincing proof that she was under the special guard of the Deity [1]

If Stephen reduced Oxford, Robert defeated him at Wilton, and the power of the two parties still remained fairly balanced With the exception of the three northern counties, which obeyed the king of Scots, Stephen was nominally acknowledged as sovereign in the eastern, Matilda in the western half of the kingdom But the real authority of each was confined within narrower limits, that of the king to the counties in the neighbourhood of London, that of Matilda to those in the vicinity of Gloucester In this state of weakness neither was able to inflict any serious injury on the other, and hostilities were kept alive by petty skirmishes and unimportant sieges, the description of which could neither amuse nor instruct the reader. The interests of Matilda suffered more from sickness than war. She was deprived by death of the services of Milo, the most devoted of her partisans, and of the councils of her brother Robert, the principal support of her cause The loss of these friends threw a gloom over her mind the experience of eight years had taught her how uncertain was the issue of the contest, and she withdrew to Normandy to watch the course of events, and to take advantage of the first favourable occurrence [2] Yet Stephen derived no benefit from her departure. He had earned the enmity of the barons by acts of violence similar to those by which he had formerly alienated the affections of the clergy Under the mask of friendship he had invited to his court, first Geoffrey de Mainville, and afterwards Ranulf, earl of Chester; had arrested them on mere suspicion of disaffection, and had compelled them to surrender their castles as the price of their liberty After this outrage they defied his authority, and sought revenge many associated with them in their own defence, and most trusted for security to the strength of their fortresses, rather than the faith of a jealous and violent prince [3] At the same time he had the imprudence to drive the church into the arms of his enemies His brother Henry had exercised the powers with which he had been invested by the pope in a very questionable, and sometimes in an arbitrary manner He had even framed the plan of rendering his see of Winchester independent of that of Canterbury, and of decorating it by the aid of the king and the pontiff with the metropolitical honours. But his patron Innocent died two popes succeeded in the short space of two years, and one of them, at the solicitation of Archbishop Theobald, deprived him of the legatine authority. Mortified at his disgrace, the bishop prevailed on his brother to forbid Theobald to assist at the council of Rheims, at which Eugenius III. presided. The primate despised the prohibition, and

[1] Gest Steph. 958, 959 Gervase, 1358 Malm 110.

[2] Gesta Steph 959 Hunt 225 Gerv 1358—1362

[3] Gest Steph 963, 971. Hunt. 225. Gerv 1360.

at his return was driven into exile He landed in France, recrossed the sea to Framlingham, and there, under the protection of Bigod, earl of Norfolk, published a sentence of interdict against all the demesnes of the king It was instantly put in execution, and Stephen's friends, alarmed at the cessation of the divine service, compelled him to seek a reconciliation with the archbishop[1] Some time afterwards he assembled all the prelates, and required them to crown his son Eustace Theobald refused he had consulted, he said, the pope, and had been forbidden to comply, because, as Stephen had acquired the crown, not by way of inheritance, but by open force, and in violation of his oath, he could have no right to transfer it to his posterity. In a paroxysm of rage the king ordered his guards to imprison the prelates in the hall, and sent messengers to seize their temporalities on cooler reflection, he resolved to confine his resentment to Theobald, whom he drove a second time into exile The pontiff, however, took the archbishop under his protection, and either published in his favour a new, or confirmed the former sentence of excommunication and interdict against the king[2]

Much of Stephen's conduct at this period must be attributed to the terror with which he viewed the growing prosperity of Henry, the son of Matilda. At the age of sixteen that young prince had visited his uncle David at Carlisle, and had received from him the honour of knighthood. On his return he obtained from his father Geoffrey the cession of the duchy of Normandy. at the death of that prince he succeeded to the earldom of Anjou, and by his marriage with Eleanor of Poitou, within six weeks after her divorce from the king of France, he had acquired the extensive duchy of Aquitaine[3] This sudden aggrandizement of the son of Matilda elevated the hopes of Stephen's enemies The earl of Chester visited the young prince in Normandy, and when at his solicitation, Henry landed in England to assert the claim of his mother, his standard was immediately joined by the ancient friends of his family Fortunately for the repose of the nation, Eustace, the eldest of the king's sons, was, in the heat of the contest, removed by a sudden death, and the archbishop of Canterbury and the bishop of Winchester improved the opportunity to reconcile the jarring interests of the two parties[4] After several long and animated discussions, their pretensions were solemnly adjusted in the following manner 1 Stephen adopted Henry for his son, appointed him his successor, and *gave* the kingdom of England, after his own death, to him and his heirs for ever In return, the young prince did homage, and swore fealty to him. 2 Henry received the homage of William, the surviving son of the king, and in return granted to him all the lands and honours possessed by Stephen before his accession to the throne, confirmed to him the possessions which he had acquired by his marriage with the heiress of the earl of Warrenne, or by the gift of

[1] Gerv 1363, 1666 An interdict prohibited the celebration of religious worship, within a certain district, and will be more fully explained in the reign of King John

[2] Gerv 1369, 1668 Hunt. 226 In caput ejus anathematis et in terram interdicti sententiam præcepit ab omnibus episcopis auctoritate apostolica exerceri —Ep S. Thom 1. p 105

[3] She was the daughter of William, earl of Poitou and duke of Aquitaine Her gallantries at Antioch during the crusade alienated the affection of her husband, and after their return they were divorced, at their mutual request, on the plea of consanguinity —Chron Norm 985

[4] Hunt 227, 228. Joan Hagul 277, 278

his father, and as a proof of his affection added the honour of Pevensey, and several manors in Kent. 3 The earls and barons of the duke's party did homage to the king, those who had formerly been his vassals, as to their sovereign lord, those who had not, on condition that he should observe the treaty, and in like manner the earls and barons of the king's party did homage to the duke, saving their allegiance to the sovereign All swore that if either of the two princes broke his engagements, they would desert him and support the cause of his rival 4 The inhabitants of the different boroughs, and the garrisons of the royal castles, swore fealty to Henry in the like terms as the king's barons 5 The officers to whom Stephen had intrusted the Tower of London, the moats of Windsor and Oxford, the fortress of Lincoln, the castle of Winchester, and the fort of Southampton, gave hostages, that in the event of the king's death, they would surrender them to the duke 6 The bishops and abbots, by Stephen's command, took the oath of fealty to Henry, and engaged to enforce the due execution of the treaty by ecclesiastical censures. A narrative of the whole transaction was made in the form of a charter, granted by the king, and witnessed by the prelates and barons [1]

After this pacification the two princes, to display the harmony in which they lived, visited together the cities of Winchester, London, and Oxford, and were received at each place in solemn procession, and with the most joyful acclamations. At Easter they separated with demonstrations of the most cordial friendship Henry revisited Normandy, and Stephen a few months afterwards died at Canterbury He had reigned nineteen years, and was buried near the remains of his wife and son at Faversham, a convent which he had founded [2]

Never did England, since the invasion of the Danes, present such a scene of misery as under the government of this unfortunate monarch The two competitors, alike dependent on the caprice of their adherents, were compelled to connive at excesses, which it would have been dangerous to punish, and the foreign mercenaries whom the barons as well as the princes retained in their service, frequently indemnified themselves for the want of pay by the indiscriminate plunder of friend or foe. The desire of revenge also mixed itself with the thirst of power, whenever one party had inflicted an injury, the other was impatient to retaliate, and these Christian knights gloried in barbarities which would have disgraced their pagan forefathers [3] Conflagration was frequently added to pillage The destruction of the city of Winchester, the second in the kingdom, has already been noticed, a similar catastrophe befel that of Worcester, and at Nottingham, a rich and populous town, not only were the buildings consumed, but most of the inhabitants perished in the flames [4]

The principal cause of these calamities may be traced to the castles, which covered the face of the country. Wherever one of these fortresses was erected, several others for the purpose of protection immediately rose around it. But some took not the trouble to

[1] Rymer, Fœd i 25 By some error of the copyists, Henry's father is mentioned in this instrument as living It should be his mother,—mater instead of pater His father Geoffrey died at Lisieux, on the 7th of September, 1150 —Chron Norm 984 Wilkins (Leg Sax. 316) has replaced mater, ex Rub lib Scac fol 164

[2] Hunt 228 At the dissolution of the abbey under Henry VIII his tomb was opened, the leaden coffin was melted down, and the bones were thrown into the sea

[3] Gest Steph 961, 962, 964, 965, 970.

[4] Hunt 226, 227.

build, they seized and fortified the nearest churches. Thus the abbey of Ramsey was converted into a castle by Geoffrey Granville, the monastery of Coventry by Robert Marmion, and the church of Bridlington by William of Albemarle. In addition to those which existed at Stephen's accession, no fewer than one hundred and twenty-six were fortified during his reign[1] The owners, secure within their walls and moats, conceived themselves freed from all restraints of justice or law They plundered the lands in the neighbourhood, carried off the inhabitants, and confined in dungeons the most respectable of their captives There, every species of torture was employed to extort from the sufferers an enormous ransom, or a discovery of the place in which their property was concealed Some were suspended by the feet in a volume of smoke, others were hanged up by the thumbs, while plates of heated metal were applied to the soles of the feet Hunger and thirst, knotted cords twisted with violence round the temples, and pressure in a large trunk, the bottom of which was strewed with broken stones, were favourite modes of torture, but Philip Gay, a kinsman of the earl of Gloucester, had the merit of inventing a new and more formidable contrivance, which was afterwards adopted by several of these petty tyrants This was the "Sachentege," or culprit's halter—a heavy engine of iron studded with sharp points, and made to encircle the neck and press upon the shoulders, so that the sufferer could neither sit, nor stand, nor lie, without the most acute pain[2] It sometimes happened that the cruelty of these barbarians wrought its own punishment By the flight of the husbandmen from the neighbourhood of the castle, the lands were left barren, and, as provisions could only be procured by force, the garrison was reduced to the verge of famine The fugitives usually retired to some of the ecclesiastical establishments, where they built their miserable hovels against the walls of the church, and begged a scanty pittance of bread from the charity of the clergy or monks But even here they could not promise themselves security The curses, which were perpetually denounced against the invaders of ecclesiastical property, were despised; and the churches themselves, with those who served them, were swept away by the lawless and sacrilegious banditti Such was the desolation of the land, say two contemporary historians, that villages and towns were left destitute of inhabitants, and in many parts a man might ride a whole day without discovering on his route one human being[3]

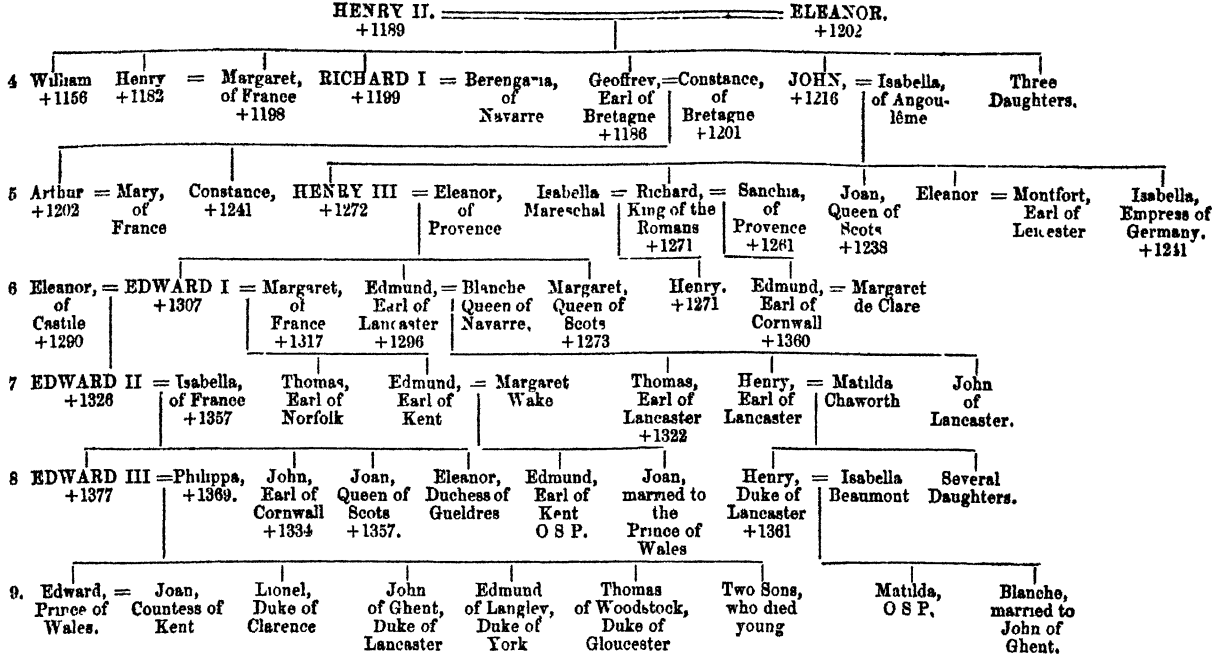
[1] Chron Norm 989

[2] See a long description of these tortures in the Saxon Chronicle, 238, 239, and in many of the stories in Reginald Dunelmensis Prisoners of war were treated with equal cruelty They were at the mercy of their captors, who argued that, the more the captive suffered, the more he would pay for his liberty Even a century later we find King John sending his captives "in gyves and manacles" (Par 209) to England, to be kept in *boas*, till they compounded for their ransom, and in partibus *boiorum annulorum*, till they paid it —Rot lit pat 17 bis I conceive that the *boes*, stocks or fetters, confined the sufferer to the same spot in his dungeon, whilst the *ring-boes*, or chain-fetters, allowed him to move about in some other part of the castle.

[3] Chron Sax 239 Gest Steph 961

CHAPTER III.

HENRY II.


HENRY II. +1189
ELEANOR. +1202
4
William +1156
Henry +1182
Margaret, of France +1198
RICHARD I +1199
Berengaria, of Navarre
Geoffrey, Earl of Bretagne +1186
Constance, of Bretagne +1201
JOHN, +1216
Isabella, of Angoulême
Three Daughters.
5
Arthur +1202
Mary, of France
Constance, +1241
HENRY III +1272
Eleanor, of Provence
Isabella Mareschal
Richard, King of the Romans +1271
Sanchia, of Provence +1261
Joan, Queen of Scots +1238
Eleanor
Montfort, Earl of Leicester
Isabella, Empress of Germany. +1241
6
Eleanor, of Castile +1290
EDWARD I +1307
Margaret, of France +1317
Edmund, Earl of Lancaster +1296
Blanche Queen of Navarre.
Margaret, Queen of Scots +1273
Henry. +1271
Edmund, Earl of Cornwall +1360
Margaret de Clare
7
EDWARD II +1326
Isabella, of France +1357
Thomas, Earl of Norfolk
Edmund, Earl of Kent
Margaret Wake
Thomas, Earl of Lancaster +1322
Henry, Earl of Lancaster
Matilda Chaworth
John of Lancaster.
8
EDWARD III +1377
Philippa, +1369.
John, Earl of Cornwall +1334
Joan, Queen of Scots +1357.
Eleanor, Duchess of Gueldres
Edmund, Earl of Kent O S P.
Joan, married to the Prince of Wales
Henry, Duke of Lancaster +1361
Isabella Beaumont
Several Daughters.
9.
Edward, Prince of Wales.
Joan, Countess of Kent
Lionel, Duke of Clarence
John of Ghent, Duke of Lancaster
Edmund of Langley, Duke of York
Thomas of Woodstock, Duke of Gloucester
Two Sons, who died young
Matilda, O S P.
Blanche, married to John of Ghent.

CHAPTER III.

HENRY II.—A.D 1154.

Emp of Germ	*K of Scotland*	*K of France*	*K of Spain.*
Frederic I	Malcolm IV . 1165	Louis VII 1180	Alphonso VIII 1157
	William	Philip Augustus	Sancho III 1158
			Alphonso IX

Popes

Anastasius IV 1154 Adrian IV 1159 Alexander III. 1181 Lucius III 1185.
Urban III 1187 Gregory VIII 1187 Clement III

ACCESSION OF THE NEW KING—HIS CHARACTER—ARCHBISHOP THEOBALD—RISE OF THOMAS A BECKET—ORIGIN OF THE SPIRITUAL COURTS—CONSTITUTIONS OF CLARENDON—WAR IN WALES—DISPUTE BETWEEN THE KING AND THE PRIMATE—THEIR RECONCILIATION—MURDER OF THE PRIMATE—CONQUEST OF IRELAND—REBELLION OF THE KING'S SONS—CAPTIVITY OF THE KING OF SCOTS—COURTS OF JUSTICE—KING TAKES THE CROSS—HIS DEATH.

It were difficult to imagine a more glorious prospect than that which opened itself to the youth of Henry By the death of his father he inherited Touraine and Anjou, in right of his mother he possessed Maine and Normandy, and with the hand of Eleanor he had received her ample portion, the seven provinces of Poitou, Saintonge, Auvergne, Perigord, Limousin, Angoumois, and Guienne[1] A third part of France, almost the whole western coast from the borders of Picardy to the mountains of Navarre, acknowledged his authority, and the vassal, who did homage to the sovereign for his dominions, was in reality a more powerful prince than the king who received it. In his twenty-first year the death of Stephen added to these extensive territories the kingdom of England, and the eyes of Europe were directed to the first measures of the young monarch, whose ambition, were it equal to his power, might endanger the independence of all his neighbours

That he was impatient to take possession of the crown, which had been secured to him by the late treaty, will easily be conceived, but time was requisite to collect an escort becoming the dignity, and sufficient for the protection, of the new king, and a long continuance of stormy weather confined him a prisoner in the haven of Barfleur. After a vexatious delay of more than six weeks, he landed in England. The enmity of the adherents of Stephen had been silenced by their fears, and the vigilance and authority of Archbishop Theobald had maintained the public tranquillity. At Winchester he received the homage of the nobility, at Westminster he was crowned with his queen before an immense concourse of people,[2] and the foreign barons who had accompanied him from France. A few days were given to the festivities and pageantry usual on such occasions, but at the same time the new king did not forget the more important concerns of state In one council he appointed

[1] That part of Aquitaine which belonged to the counts of Poitou, was called Guienne

[2] Gervase, 1377 Bromp 1043.

the great officers of the crown; in another he confirmed to his subjects all the rights and liberties which they had possessed during the reign of his grandfather; and in a third he induced the barons and prelates to swear fealty to his eldest son William, and, in the event of William's death, to his second son Henry, a child still in the cradle.[1]

To repair the evils which the licentiousness of civil discord had inflicted on the nation during the reign of Stephen, was for several years the principal object of Henry's administration With this view, the earl of Leicester was appointed grand justiciary, with the most ample powers a new coinage was issued of standard weight and purity, and the foreign mercenaries, who had so long infested England, received orders to quit the kingdom by a certain day under the penalty of death. In the execution of these measures no difficulty was experienced but to demolish the castles which had so long been the bane and terror of the defenceless inhabitants, and to recover the lands which the necessities of Stephen and Matilda had compelled them to alienate to their respective partisans, required the personal exertions of the king, and the presence of a powerful army He drove the earl of Nottingham, the murderer of the earl of Chester, out of the kingdom, he extorted from the fears of the earl of Albemarle, who had long reigned a sovereign in Yorkshire, the surrender of the strong castle of Scarborough, he took from Roger, the son of the celebrated Milo, the castle of Gloucester, but permitted him to retain for life that of Hereford, he reduced by force Bridgnorth, Cleobury, and Wigmore, belonging to Hugh Mortimer · he levelled with the ground all the castles of Henry, bishop of Winchester, who, mistrusting the enemy of his family, had retired with his treasures to Clugny, and at last he compelled Malcolm, king of Scots, to exchange the three northern counties, which had been so long in possession of his grandfather David, for the earldom of Huntingdon, to which the Scottish princes advanced a claim on account of their descent from earl Waltheof.[2]

The same month which had witnessed the coronation of Henry had been signalized by the succession of Nicholas Breakspeare to the throne of the Vatican This prelate, the only Englishman who ever sate in the chair of St Peter, had been raised by his merit from one of the lowest situations in life, to that which was deemed the highest dignity in Christendom He was the son of Robert Chambers, an obscure clerk, and afterwards monk of St. Alban's, and had been rejected by the abbot of that monastery on the ground of incapacity Stung with this disgrace, and the reproaches of his father, he travelled to Paris, without any other resource than the alms of the charitable, studied with applause in that university, and wandering into Provence, was admitted among the regular canons of St. Rufus Here his brethren by their free choice raised him successively to the offices of prior and abbot. But the virtues which had won their esteem in an equal became objects of hatred in a superior

[1] Gerv 1378. Stat. of Realm, i. 4

[2] Newbrig ii 1, 2, 3, 4 Gerv 1377, 1378 Hov 281. Malcolm became the hegeman of Henry, eodem modo, quo avus suus fuerat homo veteris Henrici, salvis omnibus dignitatibus suis —Hov ibid Some writers have explained this clause of the independence of the Scottish crown I am not aware, nor do I believe, that *dignitas* ever had that meaning In a subsequent treaty it is used to signify those honours which were rendered to the Scottish king whenever he came to the court of his lord the king of England, such as his being attended on the way by English earls, bishops, and barons, and by the sheriffs of the counties through which he passed — See Rymer, i. 87.

and to free themselves from the rule of the stranger, they presented an accusation against him to Pope Eugenius. The pontiff conversed with Nicholas, appreciated his merit, and endeavoured to reconcile him with his canons. After a short interval they offered a second complaint. "Go," replied Eugenius, with a smile, "elect another abbot. The Englishman is the 'Cardinal bishop of Albano'." In his new station he did honour to the discernment and choice of his patron. He was sent with the authority of legate to the kingdoms of Denmark, Sweden, and Norway, and during the four years of his mission, acquired the esteem of the natives, and deserved the confidence not only of Eugenius, but of his successor Anastasius. On the day after the decease of the latter, the unsolicited and unanimous suffrages of the bishops and cardinals placed him on the pontifical throne. His elevation was applauded by the clergy and people with shouts of joy, and the only person who appeared not to partake of the general exultation was Nicholas himself.[1] In England the intelligence was hailed with transport. Every individual felt proud that one of his countrymen had been raised to the first dignity in the Christian world, and three bishops were deputed to offer to the new pope the congratulations of the king and the nation. To John of Salisbury, a learned monk, who accompanied them, Adrian (such was the name which he had assumed) unbosomed himself without reserve, spoke with real regret of his elevation, and complained of the multiplicity of business, which absorbed his whole time and attention. In his cell at St Rufus, so he observed he had tasted happiness, but in his ascent to greatness, at every step he had been harassed with additional cares. Beholders might deem the tiara a splendid, but the wearer found it a burning crown.[2]

One object of these envoys, if we may believe a suspicious tale, was to consult the pope on a very singular case. Geoffrey, the king's father, had on his death-bed exacted an oath from the barons and prelates who attended him, that they would not suffer his body to be interred, till Henry should solemnly swear to fulfil the secret dispositions of his testament. The young prince, as was natural, demurred, the very circumstance proved that these dispositions, whatever they might be, were injurious to his interests, wearied, however, by the importunity of his friends, and shocked at the idea of preventing the inhumation of his father's corpse, he consented to take the prescribed oath. The will was now opened in his presence, and it was discovered that the earl had bequeathed Anjou, the patrimony of his family, to Geoffrey, his second son, in the event of Henry's succession to the throne of England. It is said that the king now solicited the pope to absolve him from the obligation of this imprudent oath; and that Adrian granted his request, on the ground that he had sworn under the influence of force, and without a due knowledge of the consequences. But the whole story savours more of romance than history, and, as it is not easy to reconcile it with the statements of the native writers, we may believe that Newbrigensis, from whom we have

[1] Baron. ex cod. Vatic. Rom. pont. 379. I shall add the honourable character which is given of him by this ancient document. Erat autem vir valde benignus, mitis, et patiens, in Græca et Latina lingua peritus, sermone facundus, eloquentia politus, in cantu ecclesiastico præcipuus, prædicator egregius, ad irascendum tardus, ad ignoscendum velox, hilaris dator, eleemosynis largus, et omni morum compositione præclarus.—Id. 380.

[2] Newbrig. ii. 6. Paris, 1016, 1019. Baron. tom. xii. ad ann. 1154. Coronam et phrygium merito clara videri, quia ignea sunt.—Joan. Salis. Polycrat. viii. 23.

received it, was occasionally deceived, in his cell in Yorkshire, with false accounts of continental transactions[1] This only is certain, that Henry crossed the sea, did homage to the king of France, reduced by force the three castles of Chinon, Loudon, and Mirabeau, belonging to his brother, and as a compensation settled on that prince an annuity of one thousand English, and two thousand Angevin pounds. Geoffrey consoled himself for his loss by the acceptance of the earldom of Nantes, which had been spontaneously offered to him by the citizens However, he died in a short time, and when Conan, earl of Richmond, who had assumed the title of duke of Bretagne, occupied Nantes, Henry claimed and recovered it as heir to his deceased brother.[2]

Before I proceed with this narrative, I shall lay before the reader a sketch of the king's character, as it has been delineated by writers who lived in his court, and observed his conduct under the vicissitudes of a long and eventful reign Between the Conqueror and all his male descendants there existed a marked resemblance. The stature of Henry was moderate, his countenance majestic, and his complexion florid; but his person was disfigured by an unseemly protuberance of the abdomen, which he sought to contract by the united aid of exercise and sobriety. Few persons have equalled him in abstemiousness, none perhaps in activity. He was perpetually in motion on foot or on horseback. Every moment which could be spared from more important concerns he devoted to hunting; but no fatigue could subdue his restlessness: after the chace he would snatch a hasty repast, and then rising from the table, in spite of the murmurs of his attendants, keep them walking or standing till bed-time[3] During his education in the castle of Gloucester, he had acquired a knowledge of letters, and after his accession, delighted in the conversation of the learned. Such was the power of his memory, that he is said to have retained whatever he had heard or read, and to have recognised at the first glance every person whom he had previously seen.[4] He was eloquent, affable, facetious uniting with the dignity of the prince the manners of the gentleman but under this fascinating outside he concealed a heart that could descend to the basest artifices, and sport with its own honour and veracity No one would believe his assertions or trust his promises yet he justified this habit of duplicity by the maxim, that it is better to repent of words than of facts, to be guilty of falsehood than to fail in a favourite pursuit[5] Though possessed of ample dominions, and desirous of extending them, he never obtained the laurels of a conqueror His ambition was checked by his caution. Even in the full tide of prosperity he would stop to calculate the chances against him, and frequently plunged himself into real, to avoid imaginary, evils Hence the characteristic feature of his policy was delay; a hasty decision could not be recalled, but he persuaded himself that procrastination would allow him to improve every advantage which

[1] See Carte, i 566 Newbrigensis himself relates the latter part of the story as a report (ii 7), but his "ut dicitur" is omitted by his copyist, Brompton, 1044.

[2] Newbrig. ii. 7 Chron. Norm. 991, 992, 994.

[3] Girald Camb 783 Pet. Bles. ep. 40, 66. A mane usque ad vesperam stat in pedes (p. 98).—Newbrig iii. 26.

[4] Girald 783, 784 Bles ep 66.

[5] Girald 783 Cardinal Vivian, after a long conversation with Henry, said, "Never did I witness this man's equal in lying"—Ep S. Thom iv 60 The king of France declared to Henry's ambassadors, that their master was so full of fraud and deceit, so regardless of his word and covenant, that it was impossible to put faith in him —Arnul. ep. lxvii.

accident might offer.[1] In his own dominions, he wished, says a contemporary, to concentrate all power within his own person. He was jealous of every species of authority which did not emanate from himself, and which was not subservient to his will. His pride delighted in confounding the most haughty of his nobles, and depressing the most powerful families He abridged their rights, divided their possessions, and married their heiresses to men of inferior rank.[2] He was careful that his favourites should owe everything to himself, and gloried in the parade of their power and opulence, because they were of his own creation But if he was a bountiful master, he was a most vindictive enemy His temper could not brook contradiction Whoever hesitated to obey his will, or presumed to thwart his desire, was marked out for his victim, and was pursued with the most unrelenting vengeance His passion was said to be the raving of a madman, the fury of a savage beast[3] We are told that in its paroxysms his eyes were spotted with blood, his countenance seemed of flame, his tongue poured a torrent of abuse and imprecation, and his hands were employed to inflict vengeance on whatever came within his reach,[4] and that on one occasion, when Humet, a favourite minister, had ventured to offer a plea in justification of the king of Scots, Henry, in a burst of passion, called Humet a traitor, threw down his cap, ungirt his sword, tore off his clothes, pulled the silk coverlet from his couch, and, unable to do more mischief, sate down, and gnawed the straw on the floor.[5] Hence the reader will perceive that pride and passion, caution and duplicity, formed the distinguishing traits in his character

Among those who possessed well-founded claims on the gratitude of the king, one of the principal was Theobald, archbishop of Canterbury He had suffered banishment in the cause of Matilda, had refused to place the crown on the head of Eustace, had negotiated the treaty between Henry and Stephen, and preserved the public tranquillity after the unexpected death of the latter These services were not forgotten, and the primate during two years retained the first place in the councils of his sovereign When age and infirmity admonished him to retire, his affection for Henry, whom he loved as his own child,[6] induced him to recommend to the royal favour a minister whose acquirements might deserve the esteem, and whose wisdom might guide the inexperience, of the young monarch. With this view, and at the suggestion of the bishop of Winchester, Theobald brought forward his own archdeacon, Thomas à Becket, a personage whom the reader will see acting for years an important part on the theatre of public affairs, and who, since his death, has been alternately portrayed as a saint and hero, or as a hypocrite and traitor, according to the religious bias of the historian

Becket was the son of Gilbert, one of the principal citizens of London, the countryman and acquaintance of the archbishop. He was placed in his

[1] Girald 782 Bles ep. 66.

[2] Girald 784 Servis generosas copulans pedissequis conditionis fecit universos.—Radulphus Niger apud Wilk. Leg Sax 836 This writer has painted Henry in the most hideous colours. He had been banished by the king, and revenged himself with his pen.

[3] Est leo, aut leone truculentior, dum vehementius excandescit —Blesen. ep. 75.

[4] Girald. 783 Bles. 66 When on one of these occasions a page presented a letter, the king attempted to tear out his eyes, nor did the boy escape without severe scars — Ep S. Tho i. 45.

[5] Ep S. Thom i 44.

[6] See many of his letters apud Bles. ep. 44, 48, 54, 63.

childhood under the care of the canons of Merton, and afterwards continued his studies in the schools of the metropolis, of Oxford, and of Paris When his father died, he was admitted into the family of Theobald, and with the permission of his patron left England to improve himself in the knowledge of the civil and canon law He attended the lectures of Gratian at Bologna, and of another celebrated professor at Auxerre As soon as he returned, his acquirements were appreciated and rewarded, he obtained preferment in the churches of Lincoln and St Paul's, he was collated to the provost-ship of Beverley, and on the elevation of Roger de Pont l'Eveque to the see of York, succeeded him in the archdeaconry of Canterbury, the richest dignity in the English church after the bishoprics and abbeys, which gave the rank of baron to their possessors.[1] His predecessor had always viewed him with an eye of jealousy; and the rivalry which commenced at this early period, continued to divide them through life. By his intrigues, Becket had been twice dismissed from the service of Theobald,[2] but, after the removal of Roger, the new archdeacon ruled without control; he became the confidential adviser of the primate, as his representative he twice visited the papal court, and to his influence the public attributed the firm adhesion of Theobald to the cause of Matilda. The recommendation of that prelate introduced him to the notice, and his own merit entitled him to the protection and friendship of Henry He was appointed chancellor,[3] the adopted father and preceptor of the young prince,[4] and the depositary of the royal favour. With these distinctions he received more substantial benefits, in the wardenship of the Tower of London, and the custody of the castle of Berghamsted, and of the honour of Eye, with the services of one hundred and forty knights Nor was the rapidity of his rise superior to the splendour of his course His equipage displayed the magnificence of a prince, his table was open to every person who had business at court,[5] he took precedence of all the lay barons, and among his vassals were numbered many knights, who had spontaneously done him homage, with the reservation of their fealty to the sovereign. The pride of Henry was gratified with the ascendancy of his favourite He lived with Becket on terms of the most easy familiarity, and seemed to have resigned into his hands the government of his dominions both in England and on the continent[6]

Almost every useful measure which

[1] It was then worth 100*l* per annum — Stephan. 186 Edit Giles

[2] Stephan 188. Edward Grim, in Vita, 11

[3] The chancellor in virtue of his office was keeper of the king's seal, signed all grants, had the care of the royal chapel, and the custody of vacant baronies and prelacies, and possessed a right to a seat in the council without being summoned It was understood to be a certain step to a bishopric, and therefore, to avoid the impediment of simony, was one of the few offices which could not be purchased — Stephan 186 The chancellor had not at this period any authority strictly judicial, the first mention of the court of chancery occurs in the reign of Edward I — Spelm Archæologia, 107

[4] Ego, said Henry, vobis illum dedi in filium, eumque recepistis de manu mea — Ep. S. Thom 1. p 71, edit. Giles

[5] His biographer here mentions a circumstance illustrative of the manners of the time The number of uninvited guests was often greater than could be accommodated at table. Becket, that they might not soil their garments when they *sate* on the floor, was careful that it should be daily covered with *fresh* hay or straw — Stephan 189

[6] See Stephanides, p 189 — 194 The expressions in the correspondence of the age are very strong Theobald says In aure et ore vulgi sonat vobis esse cor unum et animam unam — Bles ep 78 Petrus Cellensis Secundum post regem in quatuor regnis quis te ignorat — Martenne, Thesaur. Anec iii Epist. S. Tho. ii 169, ed Giles The English bishops In familiarem gratiam tam lata vos mente suscepit, ut dominationis suæ loca quæ a boreali oceano ad Pyrenæum usque porrecta sunt, potestati vestræ cuncta subjecerit, ut in his solum

distinguished the commencement of the king's reign has been attributed to the advice of Becket by the veracity or partiality of his biographers But the new chancellor did not merely give his advice, when occasion offered, he acted the part of a negotiator and warrior The king of France, who dreaded the aggrandizement of a vassal already more powerful than his lord, had threatened to oppose the pretensions of Henry to the earldom of Nantes Becket was immediately dispatched to Paris. His magnificence astonished the inhabitants, his address lulled the jealousy of the monarch The king followed to ratify the engagements of his minister, and Henry, his eldest son (for William had died), was affianced to Margaret, the infant daughter of Louis A Norman baron accepted the care of her education and her dower, three castles in the Vexin, was placed in the hands of the knights Templars till the conclusion of the marriage [1]

But the future union of their children formed too feeble a tie to bind princes, naturally divided by a multiplicity of jarring and important interests Their friendship had scarcely commenced when it was interrupted by a contest of the most singular description The father of Queen Eleanor had possessed the duchy of Toulouse, in right of his wife Philippa, but under pretext of a sale or mortgage, had conveyed it to her uncle, Raymond, count of St Gilles At his death the right of succession to all his dominions devolved on his daughter, and Raymond, that he might retain Toulouse, concluded a treaty with her husband, the king of France, by which the territory was secured to him as the dower of his wife, Constantia, the sister of Louis Eleanor, by her subsequent divorce from the French king, was restored to all her original rights, whence Henry contended that the transfer of Toulouse to Raymond was void, and prepared to enforce the claim of his queen at the head of a powerful army By the advice of Becket he exchanged the personal services of his vassals for a pecuniary aid, a scutage of three pounds in England, and of forty Angevin shillings on the continent, to be levied on each knight's fee,[2] and with the money collected a numerous force of mercenaries, whose attendance in the field was limited to three months With them marched spontaneously several English and foreign barons, a prince of Wales, Malcolm king of Scotland,

hos beatos reputaret opinio, qui in vestris poterant oculis complacere — Epist Gil Foliot, ii p 187

[1] Chron Norm 994 The reader will be amused with the following account of the manner in which the chancellor travelled through France Whenever he entered a town, the procession was led by two hundred and fifty boys, singing national airs, then came his hounds in couples, and these were succeeded by eight waggons, each drawn by five horses, and attended by five drivers in new frocks. Every waggon was covered with skins, and protected by two guards, and a fierce mastiff either chained below or at liberty above Two of them were loaded with barrels of ale, to be given to the populace; one carried the furniture of the chancellor's chapel, another of his bedchamber, a third of his kitchen, and a fourth his plate and wardrobe, the remaining two were appropriated to the use of his attendants. These were followed by twelve sumpter horses, on each of which rode a monkey, with the groom behind on his knees Next came the esquires bearing the shields, and leading the chargers of their knights, then other esquires, gentlemen's sons, falconers, officers of the household, knights and clergymen, riding two and two, and last of all the chancellor himself in familiar converse with a few friends As he passed, the natives were heard to exclaim "What manner of man must the king of England be, when his chancellor travels in such state!"—Stephan 196

[2] The scutage raised in England 180,000*l* (Gervase, 1381), which proves that the knights' fees were now 60,000 It was a commutation for military service; but did not fall on the tenants of the crown solely They levied it also on their tenants —See writs in Brady, i 117—120, 219. Also the Costum. Norman. xxv.

and Raymond king of Arragon, to whose infant daughter Henry had affianced his son Richard, another infant still in the arms of the nurse Among this host of warriors no one was more conspicuous than the chancellor, who had engaged a body of seven hundred knights at his own expense, and marching at their head, was the foremost in every enterprise. Cahors was taken, and the army approached the walls of Toulouse, when the king of France, who considered his honour pledged to the count of St Gilles, threw himself with a small force into the city Becket advised an immediate assault, Louis would fall into the hands of the king, and who could calculate the advantage to be derived from the ransom of so illustrious a captive? But the ardour of the chancellor was checked by the caution of Henry, who hesitated to authorize by his example the practice of vassals fighting against their lords; and while *his* council deliberated, the French knights hastened to the aid of Louis, the golden opportunity was lost, and the English king led back his army to Normandy The chancellor remained to secure the conquest which had been made He fortified Cahors, took three castles, hitherto deemed impregnable, and tilted with a French knight, whose horse he bore off as the honourable proof of his victory. But his presence was soon required by Henry; and having disposed of his household troops in different garrisons, he returned to Normandy at the head of twelve hundred knights and four thousand cavalry, whom he had lately raised and maintained at his own charge.[1] Had he been a military adventurer, his conduct in this campaign might have deserved praise, but it savours little of the meek and peaceful spirit of the Christian churchman Something perhaps should be indulged to the manners of the age The preceding reign had often beheld Henry of Winchester at the head of armies, Becket might allege, that what had been tolerated in a bishop and legate was equally allowable in a deacon and chancellor

The forbearance of the English king was met with a suitable return on the part of Louis The two princes saw each other, their respective claims were satisfactorily adjusted, and the young Henry did homage to the French monarch for the duchy of Normandy Yet within a month the war was rekindled The death of his queen Constantia had left Louis a widower, without male issue, and after a short mourning of two weeks, by the advice of his council, he married Adelais, the sister of the three earls of Blois, Champagne, and Sancerre, and niece to Stephen, the late king of England. This alliance with a family so hostile to his interest alarmed Henry, who, having clandestinely obtained a dispensation, caused the contract of marriage to be solemnized between his son, who had reached the seventh, and Margaret, the daughter of Louis, who was in her third year His object in this precipitate measure was to obtain possession of her dower The three knights Templars, to whom the castles of Gisors, Neufle, and Neufchatel had been intrusted, were present at the ceremony, and in compliance with their oaths surrendered these fortresses to the king. Louis felt indignant at so dishonourable a transaction, hostilities were recommenced; but before much blood had been shed, another reconciliation was effected by the good offices of Peter of Tarentaise,

[1] Newbrig. ii 10. Chron. Norm 992—995. Stephan. 201, 202, edit Giles The cavalry were horsemen in the service of the different knights. Each knight received three shillings a day for forty days, and was entertained at the chancellor's table during the time.—Ibid.

who was employed in France to support the interests of Pope Alexander III[1]

On the death of Adrian in 1159, the college of cardinals had separated into two parties Three-and-twenty votes were given in favour of Orlando, the chancellor of the Apostolic see, three for Octavian, cardinal priest of St Cecily's. Each assumed the title and exercised the authority of pope, the former under the name of Alexander III, the latter under that of Victor IV The Christian world was immediately divided between the two competitors The emperor Frederic supported with all his influence the cause of his creature Victor, the kings of England and France, by the advice of their bishops, acknowledged the authority of Alexder. It was in vain that the emperor essayed by letters and messengers to shake their determination When Alexander found it prudent to quit Italy, they respectively solicited him to select his residence in their dominions, and when they met him at Courcy sur Loire, they placed him between them, and on foot, holding his bridle, conducted him to his pavilion It was deemed a proud day for the pontiff, who thus in his exile was honoured by the most powerful monarchs, while his rival, though in the actual possession of Rome, was a mere puppet in the hands of his imperial protector[2]

The two last years of Theobald's life had been spent in advocating the cause of Alexander. Infirmity had rendered him incapable of active exertion, but he had employed the pen of his secretary to prove to the king and his fellow-bishops the superior claim of a pontiff, who had been elected by the majority of the sacred college.[3] His death in 1161 left at the royal disposal the highest dignity in the English church The favour enjoyed by the chancellor, and the situation which he filled, pointed him out as the person the most likely to succeed, by the courtiers he was already called the future archbishop; and when the report was mentioned to him, he ambiguously replied that he was acquainted with four poor priests far better qualified for that dignity than himself But Henry, whatever were his intentions, is believed to have kept them locked up within his own breast During the vacancy, the revenues of the see were paid into the exchequer, nor was he anxious to deprive himself of so valuable an income by a precipitate election At the end of thirteen months he sent for the chancellor at Falaise, bade him prepare for a voyage to England, and added that within a few days he would be archbishop of Canterbury Becket, looking with a smile of irony on his dress, replied, that he had not much of the appearance of an archbishop, and that if the king were serious, he must beg permission to decline the preferment, because it would be impossible for him to perform the duties of the situation, and at the same time retain the favour of his benefactor. But Henry was inflexible; the legate Henry of Pisa added his entreaties, and Becket, though he already saw the storm gathering, in which he afterwards perished, was induced, against his own judgment, to acquiesce[4] He sailed to England, the prelates and a deputation of the monks of Canterbury assembled in the king's chapel at Westminster, every vote was given in his favour; the applause of the nobility

[1] Chron. Norm. 997. Hoved 282. Newbrig ii 24 The legates who had granted the dispensation defended their conduct on the ground that it had already been agreed, ut eadem sponsalia fierent, si ecclesiæ possent habere consensum. — Bouquet, xv 701.

[2] Chron Norm 997, 998. Newbrig. ii. 9. Baron ad ann 1159—1162.

[3] Blesen ep. 48, 49.

[4] Placuit eiut promoverer in archiepiscopum, Deus scit, me id non volente Et magis pro suo quam pro Dei amore acquievi. —S. Thom. in Quadril. c. 34.

testified their satisfaction, and Prince Henry in the name of his father gave the royal assent Becket was ordained priest by the bishop of Rochester, and the next day, having been declared free from all secular obligations, he was consecrated by Henry of Winchester It was a most pompous ceremony; for all the nobility of England, to gratify the king, attended in honour of his favourite That the known intentions of Henry must have influenced the electors there can be little doubt, but it appears that throughout the whole business every necessary form was fully observed Gilbert Foliot alone, bishop of Hereford, a prelate of rigid morals, and much canonical learning, jeeringly observed that the king had at last wrought a miracle for he had changed a soldier into a priest, a layman into an archbishop The sarcasm was noticed at the time as a sally of disappointed ambition [1]

That Becket had still to learn the self-denying virtues of the clerical character is plain from his own confession, that his conduct had always defied the reproach of immorality was confidently asserted by his friends, and is equivalently acknowledged by the silence of his enemies. The ostentatious parade and worldly pursuits of the chancellor were instantly renounced by the archbishop, who, in the fervour of his conversion, prescribed to himself, as a punishment for the luxury and vanity of his former life, a daily course of secret mortification His conduct was now marked by the strictest attention to the decencies of his station To the train of knights and noblemen, who had been accustomed to wait on him, succeeded a few companions selected from the most virtuous and learned of his clergy His diet was abstemious, his charities were abundant, his time was divided into certain portions allotted to prayer, and study, and the episcopal functions. These he found it difficult to unite with those of the chancellor, and therefore, as at his consecration he had been declared free from all secular engagements, he resigned that office into the hands of the king [2] This total change of conduct has been viewed with admiration or censure according to the candour or prejudices of the beholders By his contemporaries it was universally attributed to a conscientious sense of duty, modern writers have frequently described it as a mere affectation of piety, under which he sought to conceal projects of immeasurable ambition But how came this hypocrisy, if it existed, to elude, during a long and bitter contest, the keen eyes of his adversaries? A more certain path would certainly have offered itself to ambition By continuing to flatter the king's wishes, and by uniting in himself the offices of chancellor and archbishop, he might, in all probability, have ruled without control both in church and state.[3]

For more than twelve months the primate appeared to enjoy his wonted ascendancy in the royal favour But during his absence the warmth of Henry's affection insensibly evapo-

[1] Stephan. 202 Gervase, 1382, 1383 Rad a Dicet 533 Foliot, in a letter which he wrote during the heat of the contest between Henry and the archbishop, complains of this election He says that Matilda disapproved of it, that the clergy sighed at it, and that the nation exclaimed against it — Ep G Foliot, II. 187. The primate's reply is satisfactory. He defies his enemies to point out any defect in the proceedings. If Matilda disapproved, her disapprobation was a profound secret, if any of the clergy sighed, they were those who sought the archbishopric for themselves, and the nation, so far from exclaiming against his promotion, universally approved it —Ep 1 p. 283, edit Giles.

[2] Stephan 203. Blesen ep. 27. Grim, in Vita, 19. Gervase, 1384

[3] Si vellemus suae per omnia placere voluntati, in sua potestate vel regno non esset quis, qui nobis non obediret pro libito. —S Thom apud Gervas 1396.

rated The sycophants of the court, who observed the change, industriously misrepresented the actions of the archbishop, and declaimed in exaggerated terms against the loftiness of his views, the superiority of his talents, and the decision of his character Such hints made a deep impression on the suspicious and irritable mind of the king, who now began to pursue his late favourite with a hatred as vehement as had been the friendship with which he had honoured him Amidst a number of discordant statements, it is difficult to fix on the original ground of the dissension between them; whether it were the archbishop's resignation of the chancellorship, or his resumption of the lands alienated from his see, or his attempt to reform the clergymen who attended the court, or his opposition to the revival of the odious tax known by the name of danegelt [1] But that which brought them into immediate collision was a controversy respecting the jurisdiction of the ecclesiastical courts A rapid view of the origin and progress of these courts, and of their authority in civil and criminal causes, may not prove uninteresting to the reader

1 From the commencement of Christianity, its professors had been exhorted to withdraw their differences from the cognizance of profane tribunals, and to submit them to the paternal authority of their bishops,[2] who, by the nature of their office, were bound to heal the wounds of dissension, and by the sacredness of their character were removed beyond the suspicion of partiality or prejudice Though an honourable, it was a distracting servitude, from which the more pious would gladly have been relieved, but the advantages of the system recommended it to the approbation of the Christian emperors. Constantine and his successors appointed the bishops the general arbitrators within their respective dioceses; and the officers of justice were compelled to execute their decisions without either delay or appeal.[3] At first, to authorize the interference of the spiritual judge, the previous consent of both plaintiff and defendant was requisite,[4] but Theodosius left it to the option of the parties, either of whom was indulged with the liberty of carrying the cause in the first instance into the bishop's court, or even of removing it thither in any stage of the pleadings before the civil magistrate [5] Charlemagne inserted this constitution of Theodosius in his code, and ordered it to be invariably observed among all the nations which acknowledged his authority.[6] 2 If by the imperial law the laity were permitted, by the canon law the clergy were compelled, to accept of the bishop as the judge of civil controversies [7] It did not become them to quit the spiritual duties of their profession, and entangle themselves in the intricacies of law

[1] See Grim, p 21. The account of the archbishop's having opposed the danegelt is ridiculed by Lord Lyttelton and Carte, but that Henry did revive that tax is certain from Radulphus Niger, Leg, Sax. 338.

[2] 1 Cor vi 1—6

[3] Euseb Vit Constan iv 27. Sozomen Hist. i 9. More arbitri sponte residentis —Cod de Epis. audientia, leg. 7. Ibid leg 8.

[4] Ibid Si qui *ex consensu*.—Valentin iii Novel. 12. Sozom ibid.

[5] Cod Theod appen Extravag 1. De Epis judicio Godefroy has proved that this edict should not be attributed to Constantine, but there can be little doubt that it was issued by one of his successors, probably Theodosius, to whom it is ascribed by Charlemagne

[6] Capitul Reg Franc vi 366. He thus enumerates his subjects Romani, Franci, Alamanni, Bajuvarii, Saxones, Turingi, Fresones, Galli, Burgundiones, Britones, Longobardi, Wascones, Beneventani, Gothi et Hispani—and says that he transcribed the law ex decimo sexto Theodosii imperatoris libro, capitulo videlicet ii. ad interrogata Ablavii ducis.—Ibid.

[7] Con. Carth. iii. 9.

proceedings. The principle was fully admitted by the emperor Justinian who decided that in cases in which only one of the parties was a clergyman, the cause must be submitted to the decision of the bishop [1] This valuable privilege, to which the teachers of the northern nations had been accustomed under their own princes, they naturally established among their converts, and it was soon confirmed to the clergy by the civil power in every Christian country 3. Constantine had thought that the irregularities of an order of men devoted to the offices of religion should be veiled from the scrutinizing eye of the people. With this view he granted to each bishop, if he were accused of violating the law, the liberty of being tried by his colleagues, and moreover invested him with a criminal jurisdiction over his own clergy [2] Whether his authority was confined to lesser offences, or extended to capital crimes, is a subject of controversy There are many edicts, which without any limitation reserve the correction of the clergy to the discretion of the bishop,[3] but in the Novels of Justinian a distinction is drawn between ecclesiastical and civil transgressions With the former the emperor acknowledges that the civil power has no concern,[4] the latter are cognizable by the civil judge Yet before his sentence can be executed, the convict must be degraded by his ecclesiastical superior, or if the superior refuse, the whole affair must be referred to the consideration of the sovereign [5] That this regulation prevailed among the western nations, after their separation from the empire, is proved by the canons of several councils,[6] but the distinction laid down by Justinian was insensibly abolished, and, whatever might be the nature of the offence with which a clergyman was charged, he was, in the first instance at least, amenable to none but an ecclesiastical tribunal.[7]

It was thus that on the continent the spiritual courts were first established, and their authority was afterwards enlarged, but among the Anglo-Saxons the limits of the two judicatures were intermixed and undefined. When the imperial government ceased in other countries, the natives preserved many of its institutions, which the conquerors incorporated with their own laws, but our barbarian ancestors eradicated every prior establishment, and transplanted the manners of the wilds of Germany into the new solitude which they had made. After their conversion, they associated the heads of the clergy with their nobles, and both equally exercised the functions of civil magistrates It is plain that the bishop was the sole judge of the clergy in criminal cases,[8] that he alone decided their differences,[9] and that to him appertained the cognizance of certain offences against the rights of the church and the sanctions of religion,[10] but as it was his duty to sit with the sheriff in the court of the county, his ecclesiastical became blended with his secular jurisdiction, and many causes, which in other countries had been reserved to the spiritual judge, were decided in England before a mixed tribunal. This

[1] Justin Novel lxxix 1 lxxxiii In Novel cxxiii 21, he added the liberty of appeal from the bishop's sentence within ten days

[2] Niceph Hist vii 46 Con Carth iii. 9

[3] Cod Theod de Epis et Cler leg 41, 42. Cod Justin de Epis et Cler leg 1

[4] Justinian Novel lxxxiii 1. See also Con Chalced. iii. Cod Theod de Religione, leg 1.

[5] Justinian Novel. cxxiii. 21

[6] Synod Parisien. v. can. 4. Synod Matiscon ii can 10.

[7] See capitul Reg Franc. i 38, v 378, 390, vii 347, 423, 436.

[8] Leg. Sax 83

[9] Leg. Sax 51; iii. 115, 129, v. 140; xl. 151

[10] Leg. Sax. 12, 34, 53, 142, 1.

disposition continued in force till the Norman conquest, when, as the reader must have formerly noticed, the two judicatures were completely separated by the new sovereign, and in every diocese "courts Christian," that is, of the bishop and his archdeacons, were established after the model, and with the authority of similar courts in all other parts of the Western church.[1]

The tribunals, created by this arrangement, were bound in the terms of the original charter to be guided in their proceedings by the "episcopal laws," a system of ecclesiastical jurisprudence, composed of the canons of councils, the decrees of popes, and the maxims of the more ancient fathers. This, like all other codes of law, had in the course of centuries received numerous additions New cases perpetually occurred, new decisions were given, and new compilations were made and published. The two, which at the time of the conquest prevailed in the spiritual courts of France, and which were sanctioned by the charter of William in England, were the collection under the name of Isidore, and that of Burchard, bishop of Worms.[2] About the end of the century appeared a new code from the pen of Ivo, bishop of Chartres, whose acquaintance with the civil law of Rome enabled him to give to his work a superiority over the compilations of his predecessors Yet the knowledge of Ivo must have been confined to the Theodosian code, the institutes and mutilated extracts from the Pandects of Justinian But when Amalphi was taken by the Pisans in 1137, an entire copy of the last work was discovered; and its publication immediately attracted, and almost monopolized, the attention of the learned. Among the students and admirers of the Pandects was Gratian, a monk of Bologna, who conceived the idea of compiling a digest

[1] Leg Sax 292 There can be no doubt that the existence of these courts was confirmed, as often as our kings confirmed in general terms the liberties of the clergy Blackstone, misled by an ambiguous passage in an old collection of laws, supposes that Henry the First abolished the "courts Christian" (Comment in 5), but the same collection frequently mentions them as in existence, and says expressly in the words of St Ambrose, Sanctum est in causis fidei vel ecclesiastici alicujus ordinis eum judicare debere, qui nec munere impar sit, nec jure dissimilis —Leg Sax 237

[2] It is evident from the Anglo-Saxon councils that they followed a collection of canons, which was termed Codex canonum vetus ecclesiæ Romanæ Probably it was that of Martin, bishop of Braga, sent by Pope Adrian to Charlemagne; as at the same time the legates of that pontiff came to England and held two councils for the reformation of ecclesiastical discipline In the beginning of the ninth century, Riculf, bishop of Mentz, brought into Gaul a new compilation by a writer who called himself Isidore (Hincm opusc xxiv.), but this compilation contained decrees which had been hitherto unknown Former collections began with the decisions of Siricius Isidore added many, said to have been given by his predecessors It is now acknowledged that they are forgeries, and some of them from their tendency seemed to have been framed for the particular purpose of withdrawing prelates accused of crimes, from the immediate jurisdiction of the archbishop and the provincial synod, and placing them in the first instance under the protection of the pontiff In an age unacquainted with the art of criticism, no one doubted the authenticity of these spurious decrees, the enemies of the innovation only contended that, whatever might have been decided by the first pontiffs, the contrary had afterwards been established by their successors (Flodoard in 22) But the interest of the bishops coincided in this case with that of the pontiffs, by their united influence the opposition of the metropolitans was borne down, and the decrees in the compilation of Isidore were admitted as laws of the church About 1010 Burchard made a new collection, into which they were also introduced Whether they had been followed in England, we have not the means to ascertain, but in France their authority was no longer doubted, and by the leges episcopales the Norman bishops would certainly understand the laws contained in the two compilations of Isidore and Burchard. The forgery was exposed by Cardinal di Cusa about the middle of the fifteenth century I have added this note, because most writers seem to suppose that it was not till after the Decretum of Gratian that the false decretals were admitted in this kingdom.

of the canon law on the model of that favourite work, and soon afterwards, having incorporated with his own labours the collections of former writers, he gave his "Decretum" to the public in 1151. From that moment the two codes, the civil and canon laws, were deemed the principal repositories of legal knowledge, and the study of each was supposed necessary to throw light on the other. Roger, the bachelor, a monk of Bec, had already read lectures on the sister sciences in England, but he was advanced to the government of his abbey,[1] and the English scholars, immediately after the publication of the Decretum, crowded to the more renowned professors in the city of Bologna After their return they practised in the episcopal courts, their respective merits were easily appreciated, and the proficiency of the more eminent was rewarded with an ample harvest of wealth and preferment.

This circumstance gave to the spiritual a marked superiority over the secular courts The proceedings in the former were guided by fixed and invariable principles, the result of the wisdom of ages, the latter were compelled to follow a system of jurisprudence confused and uncertain, partly of Anglo-Saxon, partly of Norman origin, and depending on precedents, of which some were furnished by memory, others had been transmitted by tradition. The clerical judges were men of talents and education the uniformity and equity of their decisions were preferred to the caprice and violence which seemed to sway the royal and baronial justiciaries, and by degrees every cause, which legal ingenuity could connect with the provisions of the canons, whether it regarded tithes, or advowsons, or public scandal, or marriage, or testaments, or perjury, or breach of contract, was drawn before the ecclesiastical tribunals. A spirit of rivalry arose between the two judicatures, which quickly ripened into open hostility. On the one side were ranged the bishops and chief dignitaries of the church, on the other the king and barons, both equally interested in the quarrel, because both were accustomed to receive the principal share of the fees, fines, and forfeitures in their respective courts Archbishop Theobald had seen the approach, and trembled for the issue of the contest, and from his death-bed he wrote to Henry, recommending to his protection the liberties of the church, and putting him on his guard against the machinations of its enemies[2]

The contest at last commenced; and the first attack was made with great judgment against that quarter in which the spiritual courts were the most defenceless, their criminal jurisdiction The canons had excluded clergymen from judgments of blood, and the severest punishments which they could inflict were flagellation, fine, imprisonment, and degradation. It was contended that such punishments were inadequate to the suppression of the more enormous offences, and that they encouraged the perpetration of crime by insuring a species of impunity to the perpetrator. As every individual who had been admitted to the tonsure, whether he afterwards received holy orders or not, was entitled to the clerical privileges, we may concede that there were in these turbulent times many criminals among the clergy, but, if it were ever said that they had committed more than a hundred homicides within the last ten years, we may qualify our belief of the assertion, by recollecting the warmth of the two parties, and the exaggera-

[1] Chron. Norm. 783. Gerv. 1665. He was made abbot in 1149. From John of Salisbury we learn that Stephen prohibited the lectures of Roger — Joan Sals. De Nugis Cur viii. 22

[2] Bles. ep. 63. Stephan. 28.

tion to which contests naturally give birth[1] In the time of Theobald, Philip de Brois, a canon of Bedford,[2] had been arraigned before his bishop, convicted of manslaughter, and condemned to make pecuniary compensation to the relations of the deceased Long afterwards, Fitz-Peter, the itinerant justiciary, alluding to the same case, called him a murderer in the open court at Dunstable. A violent altercation ensued, and the irritation of Philip drew from him expressions *of insult and contempt. The report was carried to the king, who deemed* himself injured in the person of his officer, and ordered De Brois to be indicted for this new offence in the spiritual court. He was tried and condemned to be publicly whipped, to be deprived of the fruits of his benefice, and to be suspended from his functions during two years. It was hoped that the severity of the sentence would mitigate the king's anger, but Henry was implacable he swore by "God's eyes," that they had favoured De Brois on account of his clerical character, and required the bishops to make oath that they had done justice between himself and the prisoner[3] In this temper of mind, he summoned them to Westminster, and required their consent, that for the future, whenever a clergyman had been degraded for a public crime by the sentence of the spiritual judge, he should be immediately delivered into the custody of a lay officer to be punished by the sentence of a lay tribunal.[4] To this the bishops, as guardians of the rights of the church, objected The proposal, they observed, went to place the English clergy on a worse footing than their brethren in any other Christian country; it was repugnant to those liberties which the king had sworn to preserve at his coronation; and it violated the first principle of law, by requiring that the same individual should be tried twice, and punished twice, for one and the same offence[5] Henry, who had probably anticipated the answer, quitted the subject, and inquired whether *they would promise to observe the ancient customs of the realm. The* question was captious, as neither the number nor the tendency of these customs had been defined, and the archbishop, with equal policy, replied, that he would observe them, "saving his order" The clause was admitted when the clergy swore fealty to the sovereign, why should it be rejected, when they only promised the observance of customs[6] The king put the question separately to all the prelates, and, with the exception of the bishop of Chichester, received from each the same answer. His eyes flashed with indignation, they were leagued, he said, in a conspiracy against him, and, in a burst of fury, he rushed out of the apartment The next morning the primate received an order to surrender the honour of Eye, and the castle of Berkhamstead. the king had departed by break of day[6]

The original point in dispute was now merged in a more important controversy, for it was evident that under the name of the customs was meditated an attack not on one, but

[1] Newbrig ii 16 His testimony amounts only to this, that it was said that some one had said so

[2] Hunc controversiæ præstitit occasionem Philippus de Brois —Diceto, 537

[3] Diceto, ibid. Stephan 214. Quadril. c 17 Boseham, i. 101.

[4] Diceto, 536

[5] The words in which the king addressed the prelates, peto et volo ut tuo, Domine 'antuariensis, et coepiscoporum tuorum consilio (Stephan 206), show that he acknowledged the legal right of the clergy to the privilege which he sought to abolish. t should be observed that after a clergyman had been degraded, he lost his privilege, and was amenable to the secular courts, if he offended again —Hoved. 262.

[6] Boseham, 102—111. Quadril. 18, 19. Gervase, 1385.

on most of the clerical immunities. Of the duty of the prelates to oppose this innovation no clergyman at that period entertained a doubt, but to determine how far that opposition might safely be carried was a subject of uncertain discussion The archbishop of York, who had been gained by the king, proposed to yield for the present, and to resume the contest under more favourable auspices, the undaunted spirit of Becket spurned the temporizing policy of his former rival, and urged the necessity of unanimous and persevering resistance Every expedient was employed to subdue his resolution, and at length, wearied out by the representations of his friends and the threats of his enemies, the pretended advice of the pontiff, and the assurance that Henry would be content with the mere honour of victory, he waited on the king at Oxford, and offered to make the promise, without the obnoxious clause He was graciously received, and to bring the matter to an issue, a great council was summoned to meet at Clarendon after the Christmas holidays [1]

In this assembly, John of Oxford, one of the royal chaplains, was appointed president by the king, who immediately called on the bishops to fulfil their promise His angry manner and threatening tone revived the suspicions of the primate, who ventured to express a wish that the saving clause might still be admitted. At this request the indignation of the king was extreme; he threatened Becket with exile or death, the door of the next apartment was thrown open, and discovered a body of knights with their garments tucked up, and their swords drawn; the nobles and prelates besought the archbishop to relent, and two knights Templars on their knees conjured him to prevent by his acquiescence the massacre of all the bishops, which otherwise would most certainly ensue Sacrificing his own judgment to their entreaties rather than their arguments, he promised in the word of truth to observe the "customs," and required of the king to be informed of what they were The reader will probably feel some surprise to learn that they were yet unknown, but a committee of inquiry was appointed, and the next day Richard de Lucy and Joscelin de Baliol exhibited the sixteen Constitutions of Clarendon Three copies were made, each of which was subscribed by the king, the prelates, and thirty-seven barons Henry then demanded that the bishops should affix their seals. After what had passed, it was a trifle neither worth the asking nor the refusing The primate replied that he had performed all that he had promised, and that he would do nothing more His conduct on this trying occasion has been severely condemned for its duplicity To me he appears more deserving of pity than censure His was not the tergiversation of one who seeks to effect his object by fraud and deception; it was rather the hesitation of a mind oscillating between the decision of his own judgment and the opinions and apprehensions of others His conviction seems to have remained unchanged; he yielded, to avoid the charge of having by his obstinacy drawn destruction on the heads of his fellow-bishops [2]

After the vehemence with which the recognition of the "customs" was urged, and the importance which has been attached to them by modern

[1] Quadril 25 Hoved 282

[2] Stephan 205. Quadril 26, 27. Gervase, 1388 Lord Lyttleton has given a very different account of this transaction (IV 24, 25), but he was deceived by the spurious letter attributed to Foliot. See Appendix, (B), at the end

writers, the reader will naturally expect some account of the Constitutions of Clarendon I shall therefore mention the principal —I It was enacted that "the custody of every vacant archbishopric, bishopric, abbey and priory of royal foundation, ought to be given, and its revenues during the occupancy, be paid to the king, and that the election of a new incumbent ought to be made in consequence of the king's writ, by the chief clergy of the church, assembled in the king's chapel, with the assent of the king, and with the advice of such prelates as the king may call to his assistance" The custom recited in the first part of this constitution could not claim higher antiquity than the reign of William Rufus, by whom it was introduced. It had moreover been renounced after his death by all his successors, by Henry the First, by Stephen, and lastly, by the present king himself[1] On what plea, therefore, it could be now confirmed as an ancient custom, it is difficult to comprehend.

II By the second and seventh articles it was provided that in almost every suit, civil or criminal, in which each or either party was a clergyman, the proceeding should commence before the king's justices, who should determine whether the cause ought to be tried in the secular or episcopal courts, and that in the latter case a civil officer should be present to report the proceedings, and the defendant, if he were convicted in a criminal action, should lose his benefit of clergy[2] This, however it might be called for by the exigencies of the times, ought not to have been termed an *ancient* custom. It was most certainly an innovation on ancient custom It overturned the law, as it had invariably stood from the days of the Conqueror, and did not restore the judicial process of the Anglo-Saxon dynasty

III It was ordered that "no tenant in chief of the king, no officer of his household, or of his demesne, should be excommunicated, or his lands put under an interdict, until application had been made to the king, or in his absence to the grand justiciary, who ought to take care that what belongs to the king's courts shall be there determined, and what belongs to the ecclesiastical courts shall be determined in them"—Sentences of excommunication had been greatly multiplied and abused during the middle ages. They were the principal weapons with which the clergy sought to protect themselves and their property from the cruelty and rapacity of the banditti in the service of the

[1] Henry I in his charter says Sanctam Dei ecclesiam liberam facio, ita quod nec eam vendam, nec ad firmam ponam, nec mortuo episcopo vel abbate aliquid accipiam de dominio ecclesiæ vel de hominibus —Stat of Realm i 1 Stephen confirmed all the liberties of the church, and promised to intrust the vacant church and all its possessions to the care of the clerks or good men of the same church.—Stat i. 3 Henry II. confirmed the privileges and liberties granted by Henry I (Stat i 4), and for greater solemnity subscribed the charter himself, and laid it on the altar — Epist S. Thom apud Hoved He found, however, the custody of the vacant prelacies too profitable a custom to abandon it It appears from the records of the Exchequer that in his sixteenth year he had in his hands one archbishopric, five bishoprics, and three abbeys, in his nineteenth year, one archbishopric, five bishoprics, and six abbeys; and in his thirty-first, one archbishopric, six bishoprics, and seven abbeys —Madox, 209—212 Becket says in one of his letters, that the king had at that moment possession of seven bishoprics in England and Normandy, in another, that he held himself the temporalities of Canterbury, Lincoln, Bath, Hereford, and Ely, and of several abbeys, and had divided the greater part of the temporalities of Llandaff among his knights —Ep S. Thom. i 23, 121.

[2] Hence may be understood an expression, which is very common in the statutes, "the benefit of clergy" Every clergyman, who was entitled to the benefit or privilege of his order, was exempt, even in criminal matters, from the jurisdiction of the secular courts.

barons They were feared by the most powerful and unprincipled, because at the same time that they excluded the culprit from the offices of religion, they also cut him off from the intercourse of society Men were compelled to avoid the company of the excommunicated, unless they were willing to participate in his punishment. Hence much ingenuity was displayed in the discovery of expedients to restrain the exercise of this power, and it was contended that no tenant of the crown ought to be excommunicated without the king's permission, because it deprived the sovereign of the personal services which he had a right to demand of his vassal This "custom" had been introduced by the Conqueror, and though the clergy constantly reclaimed, had often been enforced by his successors.

IV The next was also a custom deriving its origin from the Conquest, that no archbishop, bishop, or dignified clergyman, could lawfully go beyond the sea without the king's permission Its object was to prevent complaints at the papal court, to the prejudice of the sovereign

V. It was enacted that appeals should proceed regularly from the archdeacon to the bishop, and from the bishop to the archbishop If the archbishop failed to do justice, the cause ought to be carried before the king, that by his precept the suit might be terminated in the archbishop's court, so as not to proceed further without the king's consent. Henry I had endeavoured to prevent appeals from being carried before the pope, and it was supposed that the same was the object of the present constitution. The king, however, thought proper to deny it afterwards. According to the explanation which he then gave, it prohibited clergymen from appealing to the pope in civil causes only, when they might obtain justice in the royal courts.[2] The remaining articles are of minor importance. They confine pleas of debt and disputes respecting advowsons to the cognizance of the king's justices; declare that clergymen, who hold lands of the crown, hold by barony, and are bound to the same services as the lay barons, and forbid the bishops to admit to orders the sons of villeins, without the licence of their respective lords[3]

As the primate retired, he meditated in silence on his conduct in the council His scruples revived; and the spontaneous censures of his attendants added to the poignancy of his feelings. In great agony of mind he reached Canterbury, where he condemned his late weakness, interdicted himself from the exercise of his functions, wrote to Alexander a full account of the transaction, and solicited absolution from that pontiff. It was believed that, if he had submitted with cheerfulness at Clarendon, he would have recovered his former ascendancy over the royal mind, but his tardy assent did not allay the indignation which his opposition had kindled, and his subsequent repentance for that assent closed the door to forgiveness. Henry had flattered himself with the hope that he should be able to extort the approbation of the "customs" either from the gratitude of Alexander, whom he had assisted in his necessities, or from the fears of that pontiff, lest a refusal

[1] Blackstone, in reciting this constitution, has given to it an erroneous meaning by the omission of the clause, ut præcepto ipsius (regis) in curia archiepiscopi controversia terminetur —Comment iii 6

[2] Id sibi vindicat rex ut ob *eandem* causam nullus clericorum regni fines exeat, &c. If he could not obtain justice in the king's court, ad excellentiam vestram, ipso in nullo reclamante, cum volet, quilibet appellabit.—Ep Gilb. Foliot, i. 239.

[3] See two different copies of the Constitutions in Wilkins, Leg Sax. 321—324.

might add England to the nations which acknowledged the antipope The firmness of the pope defeated all his schemes, and the king in his anger vowed to be revenged on the archbishop Among his advisers there were some, who sought to goad him on to extremities. They scattered unfounded reports; they attributed to Becket a design of becoming independent, they accused him of using language the most likely to wound the vanity of the monarch He was reported to have said to his confidants that the youth of Henry required a master, that the violence of his passions must, and might easily be tamed; and that he knew how necessary he himself was to a king incapable of guiding the reins of government without his assistance It was not that these men were in reality friends to Henry. They are said to have been equally enemies to him and to the church They sighed after the licentiousness of the last reign, of which they had been deprived, and sought to provoke a contest, in which, whatever party should succeed, they would have to rejoice over the defeat either of the clergy, whom they considered as rivals, or of the king, whom they hated as their oppressor [1]

Soon afterwards, Becket—for what particular purpose is not mentioned—waited on the king at Woodstock. The gates were closed against him, an indignity which awakened in his mind the most fearful misbodings In this perplexity he repaired to Romney, one of his manors, and on two succeeding nights put to sea in a boat with three companions, but the wind proved unfavourable on both occasions, and compelled him to return. It had been his intention to steal over to the French coast, and to consult the pontiff in person taking, however, these failure for indications that God disapproved of the design, he returned to Canterbury, with the hope that, from the precautions which he had adopted, his secret would not transpire But there was a traitor somewhere in his household The intelligence had been conveyed to the court, and new fuel was added to the king's irritation.

The ruin of a single bishop now became the chief object that occupied and perplexed the mind of this mighty monarch By the advice of his counsellors, he resolved to waive the controversy respecting the "customs," and to employ the more powerful weapons which the feudal jurisprudence always offered to the choice of a vindictive sovereign A series of charges was prepared, and the primate was summoned to a great council at Northampton. He obeyed, and the king's refusal to accept from him the kiss of peace admonished him of his danger John of Oxford, a favourite clerk, presided Henry himself performed the part of the prosecutor He accused the archbishop of contempt of the royal authority To a citation from the king's court in a civil action, he had appeared by four knights, his attorneys, but had shown no cause why he was not personally present. For this imaginary contempt, Henry demanded satisfaction, and the obsequious court amerced the delinquent in all his goods and chattels—an amercement unprecedented in severity, but which was afterwards commuted for a fine of five hundred pounds. For that sum all the bishops, with the exception of Foliot of London, gave security by their separate bonds.[2]

The next morning the king called

[1] See on this subject much curious matter in a confidential letter from Arnulph, bishop of Lisieux, a prelate well acquainted with the intrigues of Henry's court—Ep S. Thom 1 85 Arnul ep xxxiv

[2] The legal expression of "being at the

upon the archbishop to refund three hundred pounds, the rents which he had received as warden of Eye and Berkhamstead Becket coolly replied that he would pay it. More, indeed, had been expended by him in the repairs but money should never prove a cause of dissension between himself and his sovereign. Another demand followed of five hundred pounds received by the chancellor before the walls of Toulouse. It was in vain that the archbishop described the transaction as a gift Henry maintained that it was a loan, and the court, on the principle that the word of the sovereign was preferable to that of a subject, compelled him to give security for the repayment of the money The third day the king required an account of all the receipts from vacant abbeys and bishoprics which had come into the hands of Becket during his chancellorship, and estimated the balance due to the crown at the sum of forty or forty-four thousand marks. At the mention of this enormous demand, the archbishop stood aghast However, recovering himself, he replied, at the suggestion of the bishop of Winchester, that he was not bound to answer, that at his consecration both Prince Henry and the earl of Leicester, the justiciary, had publicly released him, by the royal command, from all similar claims, and that on a demand so unexpected and important he had a right to require advice of his fellow-bishops.[1]

Had the primate been ignorant of the king's object, it was sufficiently disclosed in the conference which followed between him and the bishops. Foliot, with the prelates who enjoyed the royal confidence, exhorted him to resign Henry of Winchester alone had the courage to reprobate this interested advice On his return to his lodgings, the anxiety of Becket's mind brought on an indisposition which confined him to his chamber, and during the two next days he had leisure to arrange plans for his subsequent conduct. The first idea which suggested itself was a bold, and what perhaps might have proved a successful, appeal to the royal pity He proposed to go barefoot to the palace, to throw himself at the feet of the king, and to conjure him by their former friendship to consent to a reconciliation But he afterwards adopted another resolution, to decline the authority of the court, and to trust for protection to the sacredness of his character Early in the morning he celebrated the mass of St Stephen, the first martyr It had been his intention to go from the altar to the court, attired as he was in his sacerdotal vestments and pallium, but from this he was dissuaded by two knights Templars, who feared that it might be interpreted as an attempt at intimidation. Exchanging them, therefore, for his usual garments, he proceeded to the hall, and, at the door, taking the archiepiscopal cross from the bearer, entered with it in his hand, and followed by all the bishops It was his object to remind the court that he was their spiritual chief and father, but Henry and the barons surprised, perhaps awed, at the unusual spectacle, hastily withdrew to an upper apartment, to which, after a pause, they were followed by the rest of the bishops. The primate, thus left alone with his clerks, seated himself on a bench against the wall, and with

king's mercy" has been already explained to denote the forfeiture of property, unless the king chose to accept a smaller fine But custom had in every county fixed the amount of this fine, and Fitz-Stephen complains that the archbishop was compelled to pay 500*l* instead of forty shillings, the customary commutation in Kent. In London it amounted to one hundred shillings — Steph. 230

[1] Stephan. 35 — 38. Quadril. 25, 26 Epist. S. Thom II. p. 271. Ep Fol II 194.

calm and intrepid dignity awaited the result. The courtiers in the room above strove to distinguish themselves by the intemperance of their language Henry, in the vehemence of his passion, inveighed, one while against the insolence of Becket, at another against the pusillanimity and ingratitude of his favourites, till even the most active of the prelates, who had raised the storm, began to view with horror the probable consequences. Roger of York contrived to retire, and as he passed through the hall, bade his clerks follow him, that they might not witness the effusion of blood Next came the bishop of Exeter, who, at the feet of the primate, conjured him to have pity on himself and the episcopal order, for the king had threatened with death the first man who should speak in his favour 'Flee, then," he replied, "thou savourest not the things that be of God" The two prelates had contrived to make their escape, but the others remained above, exposed to the reproaches and menaces of the king, till he was prevailed upon to be satisfied with their renouncement of Becket's authority as metropolitan, while the lay barons should pass judgment upon him The bishops entered the hall first, and Hilary of Chichester spoke in their name. "You were," he said, "our primate, but, by opposing the royal customs, have broken your fealty to the king A perjured archbishop has no claim to our obedience From you, then, we appeal to the pope, and summon you to answer us before him." "I hear you," was his only reply. Not another word was uttered, the bishops seated themselves in silence along the opposite bench; and the lay barons appeared with the earl of Leicester, Becket's private friend, at their head. It was not without reluctance that Leicester had undertaken the office assigned to him, nor till after a long circumlocution, that he bade the archbishop to hear his sentence "My sentence?" said Becket, as he rose; "son and earl, hear me first You know with what fidelity I served the king, how reluctantly, to please him, I accepted my present office, and in what manner I was declared by him free from all secular claims. For what happened before my consecration, I ought not to answer, nor will I Know, moreover, that you are my children in God. Neither law nor reason allows you to judge your father I therefore decline your tribunal, and refer my quarrel to the decision of the pope To him I appeal, and shall now, under the protection of the Catholic church, and the Apostolic see, depart" As he walked along the hall, some of the courtiers threw at him knots of straw, which they took from the floor A voice called him traitor At the word he stopped, and, hastily turning round, rejoined "Were it not that my order forbids me, that coward should repent of his insolence" It seems to have been disapproved by the king; for a proclamation was issued, forbidding any man to offer injury or affront to the archbishop.[1]

At the gate of the castle, and through the town of Northampton, Becket was received by crowds of people, whose sympathy had been aroused by reports of his death or imprisonment. They saluted him with acclamations, threw themselves on their knees to receive his blessing, and accompanied him in triumph to his lodgings in the monastery of St. Andrew's. There a different scene presented itself. All his knights and

[1] Steph. 218—237 Grim, 39 Gervase, 1399—1393. Boseham, 1 134—150 Diceto, who was present, says that the archbishop's plea of having been dismissed free from all secular obligations, was not admitted, because he could not prove that the king had authorized the justiciary to make such a declaration —Diceto, 537.

pages, some even of his clerks, impelled by their fears, or the supposed command of the king, came to him and begged, many of them with tears, that he would return to them their homage, and license them to depart. This request he cheerfully granted It chanced during dinner, that in the lecture which always accompanied that meal, was quoted the from St. Matthew "*When they persecute you in one city, flee ye to another*" His ear eagerly caught the words, they appeared to him a voice of admonition from Heaven, and he cast a significant glance on Herbert of Boseham, to whom he had confided his secret intention Rising from table, he sent three bishops to the castle, to ask the royal permission that he might leave the kingdom Their report confirmed him in his resolution, for the king replied that he would send an answer in the morning, and a friend advised him to be on the watch during the night, "both for his own sake, and the sake of his sovereign." It was late, he dressed himself in the garb of a private monk, and a little after mid night, leaving St Andrew's with three companions, passed through the north gate of the town, and then, to elude the pursuit of his enemies, directed his route by unfrequented ways towards Lincoln. When his flight was known, Henry gave orders that the archbishop's property should be preserved untouched; but Herbert had already been at Canterbury, and had secured a large sum of money, with gold and silver plate. This he had the good fortune to carry with him beyond the sea to St. Omer's, where, according to his instructions, he awaited the arrival of his lord.[1]

It was not till after three weeks of perils and adventures, that Brother Christian (so the archbishop called himself) was able to leave England. He landed at Gravelines, whence he hastened to join his faithful Herbert, at the abbey of St. Bertin's. It was now his first care to visit the king of France, who received him with veneration, and a promise of protection, his next to consult Pope Alexander, who at that time resided in the city of Sens. There he was confronted by a deputation of English bishops and barons. They had arrived long before, and had improved the opportunity to prejudice, by their representations, the mind of the pontiff against the archbishop, and to secure by presents friends in the college of cardinals. But the very lecture of the Constitutions closed the mouths of his adversaries. Alexander, having condemned in express terms ten of the articles, recommended the archbishop to the care of the abbot of Pontigny, and exhorted him to bear with resignation the hardships of exile When Thomas surrendered his archbishopric into the hands of the pope, his resignation was hailed by a part of the consistory as the readiest means of terminating a vexatious and dangerous controversy. But Alexander preferred honour to convenience, and, refusing to abandon a prelate who had sacrificed the friendship of a king for the interests of the church, re-invested him with the archiepiscopal dignity[2]

The attention of the king had long been absorbed by the quarrel between him and the primate, an unimportant dispute with Louis of France now led him into Normandy, whence he was hastily recalled by a general rising of the natives of Wales. Nor was this the first time that he had been reduced to the hazardous experiment of leading an army into that

[1] Boseham, i. 146, 162.

[2] Gervase, 1397, 1398. Boseham, l. iv. c 6—12.

mountainous country Soon after his accession, the Welsh ventured to renew those depredations which they had exercised with impunity under the reign of Stephen, and to his demand of satisfaction had returned a contemptuous refusal [1] As he entered Flintshire, Owen Gwynned and Rees ap Gryffith, the princes of North and South Wales, conscious of their inferiority, retired to the wood of Coleshil, and awaited in concealment the approach of the invaders While the army, ignorant of the danger, was incautiously threading the defile, the natives with hideous shouts poured down from the mountains Eustace Fitz-John and Roger de Courcy fell at the first shock, a voice exclaimed that Henry was slain, the earl of Essex threw down the royal standard,[2] and it was not without great personal danger that the king could arrest the speed of the fugitives, and restore order in the army He forced his way through the pass, but, taught by this lesson, when Gwynned endeavoured to draw him towards Snowdun, he turned to the right, and cautiously advanced along the coast in the sight of his fleet For some weeks he employed the army in ravaging the country, opening roads through the forests, and erecting castles in commanding situations, and the war, though distinguished by no splendid action, was successfully terminated by the homage of the two princes, and the surrender of hostages for their fidelity.[3] But under the mask of submission they still cherished projects of independence, and by predatory incursions kept alive the spirit of their subjects. This untractable disposition was severely chastised in 1163, when an English army spread desolation over the county of Carmarthen,[4] but the subsequent absence of Henry in Normandy encouraged the Welsh princes to make use of the first opportunity to awaken the hatred and resentment of their countrymen A nephew of Gryffith was found dead in his bed. The uncle, pretending that he had been assassinated by men in the pay of the earl of Pembroke, unexpectedly burst into Cardiganshire, and reduced all the English fortresses. The flame of insurrection spread throughout Wales. The men of the south gathered round the standard of Gryffith, those of the north crowded to that of Gwynned and the warriors of Powisland assembled at the voice of Owen Cyvelioch. The borders were immediately overrun, but so rapid were the movements of the Welshmen, that generally, before assistance could arrive, the storm had passed away, and left only the marks of its ravages. Henry hastened from Normandy, and encamped with an army of Englishmen and foreigners at Oswestry the Welsh in equal force assembled at Corwen, in Merionethshire. A general action, the result of accident, was fought on the banks of the Cieroc The insurgents lost the battle, and the invaders reached the lofty mountain of Berwin. The king encamped at its foot; and on its summit hovered a cloud of natives ready to burst on the heads of their

[1] For this expedition he required every two knights to find a third —Mat Paris, 81 Wendover, ii. 287. Similar writs occur under other kings, and appear to me to have been issued when the king did not require the service of all his military tenants

[2] He was hereditary standard-bearer. Six years afterwards he was accused by Robert de Montfort of cowardice and treason on this occasion He fought his accuser, and was conquered By law he should have been put to death, but the king granted him his life, confiscated his property, and compelled him to wear the cowl among the monks of Reading.—Diceto, 535

[3] Newbrig ii 5 Gervase, 1380. Girald. Itin i. 10. Powel, ad ann. 1157.

[4] Girald. Itin. ii. 10.

enemies. But the elements terminated the war. Incessant storms of rain deluged the valley; and the army, abandoning its baggage, escaped with difficulty to the city of Chester To console himself for this disgrace, Henry exercised his vengeance on his numerous hostages, the children of the noble families in Wales, among whom were Cynric and Meredith, the sons of Gryffith, Rees, and Cadwallo, the sons of Gwynned By his orders the eyes of all the males were rooted out, and the ears and noses of the females were amputated Having thus satiated himself with blood, and covered himself with infamy, on a sudden, and without any ostensible reason, he disbanded his army, and returned to London When this result of the expedition was communicated to the archbishop in his exile, he exclaimed in the words of Scripture *His wise men are become fools, the Lord hath sent among them a spirit of giddiness they have made England to reel and stagger like a drunken man* [1]

Henry was, however, more fortunate in the cabinet than he had been in the field, and by a successful negotiation added to his dominions the extensive province of Bretagne The right of the duchy, which had long been divided among different branches of the same family, now centered in the person of Conan, earl of Richemont, but that prince, of an indolent and peaceful disposition, found himself unable to repress the ferocity of the barons, who had long maintained a real independence, and by their mutual wars impoverished their vassals, and laid desolate the country It did not require much effort to induce Conan to descend from a situation to which he was evidently unequal. He transferred, with the exception of the county of Guingamp, all his possessions and rights to his daughter and heiress Constantia, an "imaginary" marriage was concluded between the princess and Geoffrey, the third son of the English monarch,[2] and Henry was appointed the guardian of the two children during their minority In this capacity he assumed the reins of government, levelled the castles, and broke the spirit of the refractory barons, and restored to the people the blessings of tranquillity, and the administration of justice.[3]

Amidst these transactions the eyes of the king were still fixed on the exile at Pontigny, and by his order the punishment of treason was denounced against any person who should presume to bring into England letters of excommunication or interdict from either the pontiff or the archbishop He confiscated the estates of that prelate, commanded his name to be erased from the liturgy, and seized the revenues of every clergyman who had followed him into France, or had sent to him pecuniary assistance. By a refinement of vengeance, he involved all who were connected with him either by blood or friendship, and with them their families, without distinction of rank, or age, or sex, in one promiscuous sentence of banishment. Neither men, bowing under the weight of years, nor infants, still hanging at the breast, were excepted The list of proscription was swelled

[1] Newbrig ii 17 Girald Itin 10, 12 Powel. ad ann 1166 Hoved 286 John of Salisbury also expresses his surprise, that the extremos hominum Britones nivcolines should have been victorious —Ep i. 139.

[2] Imaginario connubio —Chron. Norm 1000.

[3] Chron Norm ibid Newbrig ii 18 Matilda, the king's mother, died at Rouen the next year, on the 10th of September She had spent her last years in works of charity The following epitaph was engraven on her tomb —

Orta magna, viro major, sed maxima partu,
Hic jacet Henrici filia, sponsa, parens

with four hundred names, and the misfortune of the sufferers was aggravated by the obligation of an oath to visit the archbishop, and importune him with the history of their wrongs[1] Day after day crowds of exiles besieged the door of his cell at Pontigny His heart was wrung with anguish, he implored the compassion of his friends, and enjoyed at last the satisfaction of knowing that the wants of these blameless victims had been amply relieved by the benefactions of the king of France, the queen of Sicily, and the pope Still Henry's resentment was insatiable Pontigny belonged to the Cistercians, and he informed them that if they continued to afford an asylum to the traitor, not one of their order should be permitted to remain within his dominions The archbishop was compelled to quit his retreat, but Louis immediately offered him the city of Sens for his residence[2]

Here, as he had done at Pontigny, Becket led the solitary and mortified life of a recluse. Withdrawing himself from company and amusements, he divided the whole of his time between prayer and reading[3] His choice of books was determined by a reference to the circumstances in which he was placed, and in the canon law, the histories of the martyrs, and the holy scriptures, he sought for advice and consolation. On a mind naturally firm and unbending, such studies were likely to make a powerful impression, and his friends, dreading the consequences, endeavoured to divert his attention to other objects.[4] But their remonstrances were fruitless Gradually his opinions became tinged with enthusiasm, he identified his cause with that of God and the church, concession appeared to him like apostasy, and his resolution was fixed to bear every privation, and to sacrifice, if it was necessary, even his own life in so sacred a contest The violence of Henry nourished and strengthened these sentiments, and at last, urged by the cries of the sufferers, the archbishop assumed a bolder tone, which terrified his enemies, and compelled the court of Rome to come forward to his support By a sentence, promulgated with more than the usual solemnity, he cut off from the society of the faithful such of the royal ministers as had communicated with the antipope, those who had framed the Constitutions of Clarendon, and all who had invaded the property of the church[5] At the same time he confirmed by frequent letters the wavering mind of the pontiff,[6] checked by his remonstrances the opposition of the cardinals who had been gained by his adversaries, and intimated to Henry, in strong but affectionate language, the punishment which awaited his impenitence[7]

This mighty monarch, the lord of so many nations, while he affected to despise, secretly dreaded the spiritual arms of his victim. The strictest orders were issued that every passenger from beyond the sea should be searched, that all letters from the pope or the archbishop should be seized,[8] that the bearers should suffer the most severe and shameful

[1] Among them was the archbishop's sister with her infant family. She found an asylum at Clermont. See a letter of thanks from the pope to the abbot of Clermont and his brethren Ep S Thom ii 112.

[2] Ep S. Tho i p 8, 10, 120, 231, 319, 362, 393, ii 49, 249. Boseham, l iv. c 12, 13 Hov 284, 286 Gervase, 1398, 1400, 1401 Ep Fol ii. 278.

[3] Gervase, 1400 Stephan 244 Grim, 57. Bose iv c. 19, 20

[4] Prosunt quidem canones et leges, sed mihi credite, qua nunc non erat his locus — Ep. Joan. Salis inter ep. S Thom i. 31

[5] Ep i. 1, 16 Gerv. 1400. Hov. 290. B 10, 41, 126, 198

[6] Ep. i 23, 27, 29 Hoved 285

[7] Ep i 369, 377. Gervase, 1400.

[8] Ep S Thom. ii. 249 Puer, qui reg

punishments, and that all freemen, in the courts to which they owed service, should promise upon oath not to obey any censure published by ecclesiastical authority against the king or the kingdom.[1] But it was for his continental dominions that he felt chiefly alarmed There the great barons, who hated his government, would gladly embrace the opportunity of revolt, and the king of France, his natural opponent, would instantly lend them his aid against the enemy of the church Hence for some years the principal object of his policy was to avert, or at least to delay, the blow which he so much dreaded

As long as the pope was a fugitive in France, dependent on the bounty of his adherents, the king had hoped that his necessities would compel him to abandon the primate But the antipope was now dead, and though the emperor had raised up a second in the person of Guido of Crema, Alexander had returned to Italy, and recovered possession of Rome Henry therefore resolved to try the influence of terror, by threatening to espouse the cause of Guido He even opened a correspondence with the emperor, and in a general diet at Wurtzburgh his ambassadors made oath in the name of their master, that he would reject Alexander, and obey the authority of his rival Of this fact there cannot be a doubt It was announced to the German nations by an imperial edict; and is attested by an eye-witness, who from the council wrote to the pope a full account of the transaction.[2] Henry, however, soon repented of his precipitancy His bishops refused to disgrace themselves by transferring their obedience at the nod of their prince, and he was unwilling to involve himself in a new and apparently a hopeless quarrel To disguise or excuse his conduct, he disavowed the act, attributed it to his envoys, and afterwards induced them also to deny it John of Oxford was despatched to Rome, who, in the presence of Alexander, swore that at Wurtzburgh he had done nothing contrary to the faith of the church, or to the honour and service of the pontiff[3]

His next expedient was one, which had been prohibited by the Constitutions of Clarendon He repeatedly authorized his bishops to appeal in their name and his own from the judgment of the archbishop to that of the pope By this means the authority of that prelate was provisionally suspended and though his friends maintained that these appeals were not vested with the conditions required by the canons, they were always admitted by Alexander[4] The king improved the delay to purchase friends By the pontiff his presents were indignantly refused, they were accepted by some of the cardinals, by the free states in Italy, and by several princes and barons supposed to possess influence in the papal councils[5] On some occasions Henry threw himself and his cause on the equity of Alexander, at others he demanded and obtained legates to decide the controversy in France. Twice he condescended to receive the primate, and to confer with him on the subject To avoid altercation, it was agreed that no mention should be made of the "customs," but each

literas tradidit, in arcto ponitur, digitis ad oculos eruendos appositis usque ad effusionem sanguinis, et aqua calida per os injecta donec confiteretur se literas à magistro Herberto accepisse. Sed necdum à vinculis absolvitur.—Ibid p 184.

[1] Gervase, 1409 Hoved. 295.

[2] Ep S Thom i 129, ii 53, 148, 264

[3] Ibid. Ep Fol. ii. 318, 320 Bosham, ii 256

[4] John of Salisbury is very severe on these appeals, i. 140, 166.

[5] Ep. i. p 122, 123.

mistrusted the other Henry was willing to preserve the liberties of the church, "saving the dignity of his crown," and the archbishop was equally willing to obey the king, "saving the rights of the church."[1] In the second conference these cautionary clauses were omitted, the terms were satisfactorily adjusted; and the primate in conclusion required that the king should give to him the kiss of peace It was the usual termination of such discussions, the bond by which the contending parties sealed their reconciliation[2] But Henry coldly replied that he had formerly sworn never to give it to him, and that he was unwilling to incur the guilt of perjury So flimsy an evasion could deceive no one, and the exile broke off the conference in the full conviction that no reliance could be placed on the king's sincerity

Henry had now spent several years in France. His presence had been necessary to overawe the turbulence of his continental barons, who, on every frivolous pretext, were eager to defy his authority, and appealed, according to the forms of the feudal jurisdiction, to the protection of their superior lord the king of France Nor was Louis slow to aid the petitioners, that he might mortify the pride of his vassal Hence each year hostilities were commenced, continued for a few weeks, and then suspended by truces equally short in duration. But in the beginning of 1169 a peace was finally concluded between the two monarchs. Henry consented to yield Anjou and Maine to his eldest, and Aquitaine to his second son. The former had already espoused one, the latter was now affianced to another of the daughters of Louis, and it was stipulated that each should hold his dominions immediately from his father-in-law It is difficult to conceive what could have extorted from the king a treaty so prejudicial to his interests. Probably, as he never complied with the conditions, it was no better than one of those dishonest frauds, to which he so frequently descended in the pursuit of some temporary advantage.

He had now another object in view, the coronation of his son Henry, a measure the policy of which has been amply but unsatisfactorily discussed by modern historians It was not a sudden resolution: for nine years before, on the death of Archbishop Theobald, he had procured a grant from the pope, empowering him to select any prelate, whom he thought proper, to perform that ceremony This was intended to be in force only while the see of Canterbury should remain vacant,[3] now, as soon as the king's design had transpired, Alexander, at the solicitation of Becket, issued several letters, forbidding any bishop, and in particular, the archbishop of York, to usurp that office, which belonged of right to the archbishop of Canterbury[4] It may have been that the prohibition never reached those to whom it was addressed,[5] for Henry summoned the bishops to Westminster, laid before them the permission which had been granted on the death of Theobald, and

[1] Ep Fol ii 193, 202, 203. Gervase, 1405 Hoved 285 Ep St Thom i 44, 140, 141

[2] Ep St Thom ii 132, 222. The king of France advised the archbishop on no consideration whatsoever to enter the territory of the English king without the kiss of peace, quia subtracto osculo gratiam non reddebat —Ibid

[3] The king's object was to defeat any claim that might be advanced by the archbishop of York, who was then in disgrace — Ep S. Tho. i p 70.

[4] See them inter Ep. S Tho ii. 45, 47. Among them is a mandate from the pope to the archbishop of York to crown the young prince It is a manifest forgery.

[5] Diu est quod literæ mare transierunt sed in manu illius cui traditæ sunt, perierunt, nec alicui ostensæ nec ullatenus propalatæ. —Ep S. Tho ii. 288, 289.

selected Roger of York to perform the ceremony The young prince was knighted by his father early on the next Sunday, and then crowned with the usual solemnities in Westminster Abbey The following day he received the fealty and homage of William, king of Scotland, of David his brother, and of the English barons Why the wife of the prince was not crowned with her husband, has never been explained; but Louis, her father, took the affront as offered to himself, and entered Normandy at the head of an army Henry hastened to the defence of his dominions the two monarchs met, and conferred together they renewed the last treaty, and a promise was obtained from the English king that he would at last be reconciled to Becket [1]

It was indeed time That prelate had now been six years a mendicant in France The forbearance and irresolution of the pontiff were generally blamed, and Alexander announced his determination to extend his censures to the king himself When Henry saw the thunder, which he had so long warded off, about to burst upon his head, he sent instructions to his envoys, who arranged with the pope a new plan of pacification, on this basis, that Becket with his fellow exiles should return with the royal permission to England, and should possess again their former rights, lands, and churches Two bishops, those of Rouen and Nevers, waited on Henry with this arrangement, and informed him that unless it were carried into execution within forty days, they had orders to lay all his territories on the continent under interdict He had recourse to his usual arts, he threatened, cajoled, defied, yielded, and then made objections, and proposed modifications The greatest difficulty regarded the kiss of peace the king refused it at that time, but bound himself by oath to grant it after the return of the archbishop within his dominions Becket replied that it was contained in the arrangement with the pontiff, and that he could have no security without it [2] The bishops visited him, and prevailed on him to waive the demand, they then returned to Henry, and extorted from him a promise to meet the archbishop The first two days were spent by him in conference with the king of France in a spacious meadow near Fretivalle, on the borders of Touraine On the third, Becket, though uninvited, proceeded with the two bishops to the same place The moment he appeared, the king spurring forward his horse, with cap in hand, prevented the salutation of the bishop and, as if no dissension had ever divided them, discoursed with him apart, with all that easy familiarity which had distinguished their former friendship In the course of their conversation, Henry exclaimed "As for the men who have betrayed both you and me, I will make them such return as the deserts of traitors require" At these words the archbishop alighted from his horse, and threw himself at the feet of his sovereign, but the king laid hold of the stirrup, and insisted that he should remount, saying "In short,

[1] Bened Abb 3 Gervase, 1412 Hoved 296 Ep S Thom II 299

[2] The following is the character of the king drawn by one who knew him so well, and whose interest it was not to misrepresent him to these commissioners Quia multiplices illius prodigii fucos non est facile deprehendere, quidquid dicat, quamcumque figuram induat, tamen omnia ejus vobis suspecta sunt, et fallaciæ plena credantur, nisi quorum fidem manifesta operis exhibitio comprobabit Si senserit quod vos aut promissis corrumpere valeat, aut minis deterrere, ut aliquid obtineat contra honestatem vestram et causæ indemnitatem, illico vestra apud eum prorsus evanescet auctoritas Sin autem viderit, quod vos a proposito flectere nequeat, furorem simulabit Imprimis jurabit, et dejurabit ut Proteus mutabitur, et tandem revertetur in se.—Epist S. Thom I 303

my lord archbishop, let us renew our ancient affection for each other, only show me honour before those who are now viewing our behaviour" Then returning to his attendants, he observed "I find the archbishop in the best disposition towards me, were I otherwise towards him, I should be the worst of men." Becket followed him, and by the mouth of the archbishop of Sens presented his petition He prayed that the king would graciously admit him to the royal favour, would grant peace and security to him and his, would restore the possessions of the see of Canterbury, and would, in his mercy, make amends to that church, for the injury it had sustained in the late coronation of his son In return he promised him love, honour, and every service, which an archbishop could render in the Lord to his king and his sovereign. To these demands Henry assented; they again conversed apart for a considerable time, and at their separation it was mutually understood that the archbishop, after he had arranged his affairs in France, should return to the English court and remain there for some days, that the public might be convinced of the renewal and solidity of their friendship [1]

If Henry felt as he pretended, his conduct in this interview will deserve the praise of magnanimity, but his skill in the art of dissimulation may fairly justify a suspicion of his sincerity The man, who that very morning had again bound himself by oath in the presence of his courtiers to refuse the kiss of peace, could not be animated with very friendly sentiments towards the archbishop, [2] and the mind of that prelate, though his hopes suggested brighter prospects, was still darkened with doubt and perplexity [3] Months were suffered to elapse before the royal engagements were executed, and when at last, with the terrors of another interdict hanging over his head, the king restored the archiepiscopal lands, the rents had been previously levied, the corn and cattle had been carried off, and the buildings were left in a dilapidated state [4] The remonstrances of the primate and his two visits to the court obtained nothing but deceitful promises, his enemies publicly threatened his life, and his friends harassed him with the most gloomy presages, et, as the road was at last open, he resolved to return to his diocese, and at his departure wrote to the king an eloquent and affecting letter "It was my wish," he concludes, "to have waited on you once more, but necessity compels me, in the lowly state to which I am reduced, to revisit my afflicted church I go, sir, with your permission, perhaps to perish for its security, unless you protect me But whether I live, or die, yours I am, and yours I shall ever be in the Lord Whatever may befall me or mine, may the blessing of God rest on you and your children" [5] Henry had promised him money to pay his debts, and defray the expenses of his journey Having waited for it in vain, he borrowed three hundred pounds of the archbishop of Rouen, and set out in the company, or rather in the custody, of his ancient enemy, John of Oxford.

Alexander, before he heard of the reconciliation at Fretivalle, had issued letters of suspension or excommunication against the bishops who had officiated at the late coronation, he had afterwards renewed them against Roger of York, Gilbert of London,

[1] Ep 1 p 65, 11 p 304 Bos l v c 1
[2] Jurasse ea die quod non erat nos osculo excepturus —Ibid. [3] Ibid
[4] Quadril m 3 Ep 1 p 77, 11 74, 135 The king, though reconciled to the archbishop on the 22nd of July, levied the rents till the 12th of November —Ep 1 82. Wilk. Con 1. 465 John of Salisbury says till Christmas (Ep 289).
[5] Ep 1 381 Ep Fol 11 300, 301 In the second of these Henry advises Becket to go immediately.

and Joscelin of Salisbury, to whose misrepresentations was attributed the delay of the king to fulfil his engagements[1] For the sake of peace the archbishop had wisely resolved to suppress these letters, but the three prelates, who knew that he brought them with him, had assembled at Canterbury, and sent to the coast Ranulph de Broc, with a party of soldiers, to search him on his landing, and take them from him Information of the design reached him at Whitsand, and, in a moment of irritation, he despatched them before himself by a trusty messenger, by whom, or by whose means, they were publicly delivered to the bishops in the presence of their attendants[2] It was a precipitate and unfortunate measure, and probably the occasion of the catastrophe which followed[3] The prelates, caught in their own snare, burst into loud complaints against his love of power, and thirst of revenge, they accused him to the young king of violating the royal privileges, and wishing to tear the crown from his head, and they hastened to Normandy to demand redress from the justice or the resentment of Henry.

Under the protection of his conductor, the primate reached Canterbury, where he was joyfully received by the clergy and people. Thence he prepared to visit Woodstock, the residence of the young Henry, to pay his respects to the prince, and to justify his late conduct But the courtiers, who dreaded his influence over the mind of his former pupil, procured a peremptory order for him to return and confine himself to his own diocese He obeyed, and spent the following days in prayer and the functions of his station Yet they were days of distress and anxiety The menaces of his enemies seemed to derive importance from each succeeding event His provisions were hourly intercepted, his property was plundered, his servants were beaten and insulted. On Christmas-day he ascended the pulpit, his sermon was distinguished by the earnestness and animation with which he spoke, at the conclusion he observed that those who thirsted for his blood would soon be satisfied, but that he would first avenge the wrongs of his church by excommunicating Ranulph and Robert de Broc, who for seven years had not ceased to inflict every injury in their power on him, on his clergy, and on his monks.[4] On the following Tuesday four knights, Reginald Fitzurse, William Tracy, Hugh de Moreville, and Richard Brito, arrived secretly in the neighbourhood. They had been present in Normandy, when the king, irritated by the representations of the three bishops, had exclaimed "Of the cowards who eat my bread, is there not one who will free me from this turbulent priest?" and mistaking this passionate expression for the royal licence, had bound themselves by oath to return to England, and either carry off, or murder the primate. They assembled at Saltwood, the residence of the Brocs, to arrange their operations

The next day, after dinner, when the archbishop was transacting busi-

[1] See the letters in New Rymer, i. 26 From attachment to the cause of his patron, John of Salisbury was the enemy of Roger, yet if one half of what he says respecting the archbishop of York be true, that prelate richly deserved the title which he gives him of Archidiabolus —See Ep. S. Thom. v. 91

[2] Ep v 73 Wilk Con i 465

[3] On this subject William of Newburgh, a contemporary, makes the following sensible reflection Nostræ parvitati nequaquam conceditur de tanti viri actibus temere judicare Puto tamen quod beatissimus papa Gregorius, in moli adhuc teneraque regis concordia mitius egisset, et ea, quæ sine fidei Christianæ periculo tolerari potuissent, ratione temporis et compositione pacis dissimulanda duxisset —Gul. Newbrig ii 25. Yet see his defence, Ep i 76, 78.

[4] Steph. 288—292. Grim. 67. Quadril. iii. 10.

ness in a private apartment, it was announced that four knights wished to speak with him from the king He ordered them to be admitted, and at the same time sent for the principal persons in his household to be present. The knights entered very unceremoniously, and seated themselves apart on the floor Becket, who pretended at first not to notice their entrance, casting his eyes upon them, saw that three out of the four were well known to him, having been formerly in his service, and done homage to him. He saluted them, but the salute was returned with insult They ordered him, as if they had such commission from the king, to absolve the excommunicated prelates, and to make satisfaction to the young Henry, whom he had traitorously attempted to deprive of the crown [1] He replied with firmness, and occasionally with warmth, that if he had published the papal letters, it had been with the permission of his sovereign, that the case of the archbishop of York had been reserved to the pontiff, that, with respect to the other bishops, he was willing to absolve them, whenever they should take the accustomed oath of submission to the determination of the church, and that, so far from wishing to take the crown from his former pupil, the young king, he called God to witness that he would, if it were in his power, heap additional crowns upon his head. They then declared that, if such were his resolve, he must quit England for ever Neither he nor his could have peace in the king's dominions. "No," exclaimed the archbishop, "never again shall the sea lie between me and my church. Here I am. If I am permitted to perform my duties, it is well, if not, I submit to the will of God. But how comes it that you, knowing what was heretofore between us, dare to threaten me in my own house?" "We shall do more than threaten," was the reply. Fitzurse then called upon the archbishop's men to give him back their homage, and ordered all present, in the king's name, to keep watch over him that he did not escape "Have no fear of that," he exclaimed, following them to the door, "come when you may, you will find me here" The knights withdrew to a large house immediately opposite, where they armed themselves and their followers, and, to prevent a rescue, sent an order in the king's name to the mayor and his brethren, to preserve the peace in the city

At the departure of the knights, the archbishop returned to his seat apparently cool and collected Neither in tone nor gesture did he betray the slightest apprehension, though consternation and despair were depicted on every countenance around him. It was the hour of the evening service, and at the sound of the psalmody in the choir, a voice exclaimed "To the church, it will afford protection" But Becket had said that he would await them there, and refused to move from the place. Word was now brought that the knights had forced their way through the garden, and made an entrance by the windows. A few moments later they were heard at no great distance, breaking down with axes a strong partition of oak which impeded their progress. In a paroxysm of terror the archbishop's attendants closed around him, and, notwithstanding his resistance, bore him with pious violence through the cloister into the church. The door was immediately closed, and barred against the assassins, who were already in sight.

[1] This alluded to the suspension of Roger of York, which suspension was interpreted to mean, that the coronation was null.

Becket walked leisurely along the transept, and was ascending the steps which led to his favourite altar, when he heard the cries of the knights demanding admission at the door Without hesitation, he ordered it to be thrown open, saying, that the house of God should not be made a military fortress Immediately his attendants, monks and clergy, dispersed to conceal themselves, some behind the columns, others under the altars. Had he followed their example, he might have saved his life, for it was growing dark, and both the crypts, and a staircase before him, which led to the roof, offered places of concealment But he turned to meet his enemies, and, stationing himself with his back against a column, between the altars of St Mary and St Bennet, waited their approach

The four knights and their twelve companions rushed into the church with drawn swords and loud cries "To me, ye king's men," shouted their leader "Where is the traitor?" exclaimed Hugh of Horsey, a military sub-deacon, known by the characteristic surname of Mauclerc.[1] No answer was returned, but to the question "where is the archbishop," Becket replied, "Here I am, the archbishop, but no traitor What is your will?" They turned to him, and insisted that he should immediately absolve all whom he had placed under ecclesiastical censures, to which he replied, that, until they had promised satisfaction, he could not. "Then die," exclaimed a voice "I am ready," returned the prelate, "to die for the cause of God and His church But I forbid you, in the name of the Almighty God, to touch any one of my household, clerk or laymen" There seems to have been some hesitation on the part of the murderers They would rather have shed his blood without the church than within its walls An attempt was made by some of them to drag him away, but he resisted it with success, through the aid of a clergyman called Edward Grim,[2] who threw his arms round the archbishop's waist "Reginald," said Becket to Fitzurse, "how dare you do this? Remember, that you have been my man." "I am now the king's man," replied the assassin, aiming a blow at the primate's head. Grim interposed his arm, which was broken and severed in two, still the sword passed through Becket's cap and wounded him on the crown As he felt the blood trickling down his cheek, he wiped it away with his sleeve, and having joined his hands, and bent his head in the attitude of prayer, said "Into thy hands, O Lord, I commend my spirit" In this posture, with his face to his murderers, and without shrinking or speaking, he awaited a second stroke, which threw him on his knees and elbows The third stroke was given by Richard Brito, with such violence, that he cut off the upper part of the archbishop's head, and broke his own sword on the pavement The murderers were retiring, when Hugh of Horsey turning back, set his foot on the neck of the corpse, and drawing the brain out of the skull with the point of his sword, scattered it around "Fear not," he said, "the man will never rise again." They returned to

[1] Or the wicked clerk

[2] Grim was a native of Cambridge, who had been admitted into the archbishop's household a day or two before Not only he, but Fitzstephen, John of Salisbury, and others, boasted afterwards that they stood by their lord to the very end. That Grim did so, is proved by the loss of his arm, but, if we believe him, all the others ran away Eodem ictu præciso brachio hæc referentis Is enim, fugientibus tam monachis quam clericis *universis*, sancto archiepiscopo constanter adhæsit, et inter ulnas complexum tenuit, donec ipsa, quam apposuit, præcisa est —Grim, 77

the palace, which they rifled, taking away with them spoil, as it was estimated, to the value of two thousand marks.[1]

Thus, at the age of fifty-three perished this extraordinary man, a martyr to what he deemed to be his duty, the preservation of the immunities of the church The moment of his death was the triumph of his cause His personal virtues and exalted station, the dignity and composure with which he met his fate, the sacredness of the place where the murder was perpetrated, all contributed to inspire men with horror for his enemies, and veneration for his character The advocates of "the customs" were silenced Those who had been eager to condemn, were now the foremost to applaud his conduct, and his bitterest foes sought to remove from themselves the odium of having been his persecutors The cause of the church again flourished, its liberties seemed to derive new life and additional vigour from the blood of their champion

Henry was at Bure in Normandy, celebrating the holidays, and displaying the pomp of royalty in the midst of his prelates and nobles The news plunged him at once into the deepest melancholy. Shut up in his private closet, for three days he obstinately refused to take nourishment, or to admit the service of his attendants The stain which the fate of the archbishop would imprint on his character, the curses which the church was ready to heap on his head, the long train of calamities which possibly might follow, perhaps the consciousness that, if he had not commanded, he had at least suggested the murder, alarmed his imagination, and partially disordered his reason[2] From this state he was aroused on the fourth day by the importunities of his ministers, and to avert the papal indignation, five envoys were immediately despatched to Italy with almost unlimited powers Alexander refused to see them His grief was not less real than that of the king but it proceeded from a different cause He attributed the murder to the lenity with which he had hitherto treated the adversaries of the primate, and that he might decide on his future conduct without being swayed by the interested advice of others, he secluded himself for eight days from the company of his most confidential friends On the Thursday before Easter he gave audience to the envoys They warmly asserted the innocence of their master, and swore that he would submit his case to the wisdom, and abide by the decision, of the pontiff Moved, though not convinced, by their declaration, Alexander excommunicated in general terms the assassins, with all their advisers, abettors, and protectors, confirmed the interdict, which the archbishop of Sens had laid on all the king's dominions in Gaul, and appointed the cardinals Theodin and Albert his legates in France to take cognizance of the cause[3] This intel-

[1] Grim, 74—80 Steph 296—303 Joan Saris Ep 286

[2] See Roseham, vol ii p 31 The king knew not how to behave to the murderers To punish them for that which they had understood he wished them to do, appeared ungenerous, to spare them was to confirm the general suspicion that he had ordered the murder —Gul Newbrig ii 25 He left them therefore to the judgment of the spiritual courts In consequence, they travelled to Rome, and were enjoined by Alexander to make a pilgrimage to Jerusalem, where some, if not all, of them died —Ibid

[3] Ep Fol ii 200, 206 The king's envoys were opposed by Alexander of Wales, and Gunter of Flanders, two clergymen who had been in the service of the archbishop During his exile, clergymen of all nations wese anxious to be admitted into his household, and to this circumstance many owed their promotion after his death Thus Hubert of Milan became archbishop of his

ligence, more favourable than he had expected, was received with satisfaction by Henry, but, as he was ignorant of the instructions and intentions of the legates, he deemed it prudent to withdraw from Normandy before their arrival. He landed in England in the beginning of August, two months were spent in the collection of a powerful army, and in October a fleet of four hundred sail bore him to Waterford in Ireland His presence, he alleged, was necessary to receive the submission of the natives, his real motive, if we may believe contemporary historians, was to elude with decency the visit of the legates But before I describe the issue of this expedition, which has connected the history of the sister isle with that of England, it will be proper to notice the previous state of the country, and the several events which enabled Henry to add to his other titles that of "the Lord of Ireland"

That the ancient inhabitants of Ireland were chiefly of Celtic origin, is evident from the language still spoken by their descendants[1] Of their manners, polity, and religion, we may safely judge from analogy There can be no doubt that they lived in the same rude and uncivilized state in which their neighbours were discovered by the legions of Rome and the teachers of Christianity.[2] Books, indeed, have been published, which minutely describe the revolutions of Erin from a period anterior to the deluge, but it is evident that the more early portion of the Irish history of Keating rests on the same baseless authority as the British history of Geoffrey, of bardic fictions, and of traditional genealogies. These, perhaps before, most probably after, the introduction of Christianity, were committed to writing, new embellishments were added by the fancy of copyists and reciters, and a few additional links, the creation of one or two imaginary personages, connected the first settlers in Ireland with the founders of the tower of Babel[3] Nor were such fables the peculiar growth of the soil of Erin The Frank and the Norman, the Briton and the Saxon, found no more difficulty than the Irishman in tracing back their progenitors to the ark, and pointing out the very grandson of Noah from whom each of them was lineally descended.[4] Hence, if there were aught of truth in the traditions of these nations, it soon became so blended with fiction, that at the present day to distinguish one from the other must prove a hopeless as well as useless undertaking.

native city, and afterwards pope by the name of Urban III Lombard of Placentia was made cardinal, and archbishop of Benevento, John of Salisbury was preferred to the bishopric of Chartres, Gilbert to that of Rochester, and Gerard, and Hugh the Roman, were successively appointed bishops of Coventry —Boseham, 1 361 Baronius ad ann 1172

[1] See vol. 1 p 40, of this work

[2] This is asserted by Tacitus (ingenia cultusque hominum non multum a Britannis differunt —Agric xxiv), and by the monks of Benchor, about a century after the death of their apostle "Christ sent Patrick to preach among the *barbarous nations* of Ireland"—See note 2 in the next page

[3] Several of the stories related by Keating and O'Flaherty may be seen in a more simple dress in Nennius, c vi —x From the care taken to connect them with the histories of the Deluge and of Pharaoh, it is plain that, if they were not invented, they were much embellished, after the preaching of Christianity

[4] For the Saxons, see the Chronicle, p 77, for the Normans, William of Jumieges, p 217, for the Britons, Nennius, c xiii &c Of all these genealogies the most amusing and ridiculous is one copied by Nennius, from whom we learn—1. That Alan, the son of Japhat, had three sons, Hesicion, Armenon, Negno 2 That Hesicion had four children, whom he named Franc, Roman, Alleman, and Brito 3 that Armenon had five, called Goth, Walagoth, Gepidus, Burgundus, Longobardus 4. and that Negno had only four, known by the appellations of Wandal, Saxo, Bulgar, and Targus Hence it was easy to trace the descent of all the European nations, and their relative degrees of consanguinity.

Though the gospel had been preached in Ireland at a more early period, the general conversion of the natives had been reserved for the zeal of St. Patrick This celebrated missionary was born on the farm of Enon, near Bonaven, in the district of Tabernia. He commenced his labours in the year 432, and after a life of indefatigable exertion, died at an advanced age in 472 [2] His disciples appear to have inherited the spirit of their teacher, churches and monasteries were successively founded, and every species of learning known at the time was assiduously cultivated. It was the peculiar happiness of these ecclesiastics to escape the visits of the barbarians, who in the fifth and sixth centuries depopulated and dismembered the Western empire When science was almost extinguished on the continent, it still emitted a faint light from the remote shores of Erin; strangers from Britain, Gaul, and Germany, resorted to the Irish schools,[3] and Irish missionaries established monasteries and imparted instruction on the banks of the Danube, and amid the snows of the Apennines During this period, and under such masters, the natives were gradually reclaimed from the ignorance and pursuits of savage life, but their civilization was retarded by the opposite influence of their national institutions, it was finally arrested by the invasions of the Northmen, who from the year 748, during more than two centuries, almost annually visited the island These savages traversed it in every direction, went through their usual round of plunder, bloodshed, and devastation, and at last occupying the sea-coasts, formed settlements at the mouths of the navigable rivers The result was the same in Ireland as in Britain and Gaul Hunted by the invaders into the forests, and compelled to earn a precarious subsistence by stealth and rapine, the natives forgot the duties

[1] That is, near Boulogne sur-Mer, in the district of Terouenne This, I think, is clearly proved by Dr Lanigan, from the Confession of St Patrick —Lanigan, i 93

[2] The existence of St Patrick has been recently denied by Dr Ledwich, who while he assumes the right of incredulity himself, presumes much on the credulity of his readers, if he expects them to believe on his mere assertion that this celebrated missionary was never heard of before the ninth century If he had made the inquiry, he would have found St Patrick mentioned by the very ancient author of the Life of St Gertrude (Annal Bened i 467), by Cummin (Ussher, Syllog Epist 32), by Adamnan (in prol Vit St Columb), by Bede (Martyr p 351), by Alcuin (Vit S Willibrordi), and in the old antiphonary of the monastery of Benchor. To these authorities, enumerated by that learned antiquary Dr O Connor (Prol xlix), I may add the ancient Litany published by Mabillon (Anal Vet 168), which cannot be more recent than the seventh century The antiphonary of Benchor, formerly employed in the service of that church, is still preserved in the Ambrosian Library at Milan (No 10, Lit c), and contains but three hymns in honour of particular saints, the first of whom is St Patrick. It is entitled, Hymnus S Patritii, magistri Scotorum; and though it displays little taste or ability, incontestably proves that he was then considered as the apostle of Ireland

Audite omnes amantes
Deum, sancta merita
Viri in Christo beati
Patrici episcopi—

Dominus illum elegit,
Ut doceret barbaras
Gentes, et piscaret
Per doctrinæ retia
Hibernas inter gentes

Dr O'Connor conceives this venerable MS to have been written about the year 690, from the notices contained in a hymn at the end, but if he could have inspected it himself, he would have discovered that this last hymn is an addition by a later hand, and that the body of the MS, with the passage in question, is much more ancient Oltrochi, the late learned librarian, pronounced it of the same age with St. Columbanus himself, in whose monastery at Bobbio it was originally preserved

[3] In mentioning the northern Saxons, who crowded to hear the Irish teachers, Bede has recorded an honourable trait in the character of the natives Quos omnes Scoti libentissime suscipientes, victum quotidianum sine pretio, libros quoque ad legendum, ac magisterium gratuitum præbere curabant.—Bede, Hist. iii. 27.

of religion, lost their relish for the comforts of society, and quickly relapsed into the habits and vices of barbarism

The national institutions to which I have just alluded as hostile to the progress of civilization, were tanistry and gavelkind. I The inhabitants were divided into numerous septs, each of which obeyed the paternal authority of its canfinny or chief The canfinnies, however, seldom enjoyed independence The weak were compelled to submit to the control of their more powerful neighbours, who assumed the title of kings, and among the kings themselves there always existed an ardrigh or chief monarch, who, if he did not exercise, at least claimed, the sovereignty over the whole island The law of tanistry regulated the succession to all these dignities from the highest to the lowest It carefully excluded the sons from inheriting as of right the authority of their father, and the tanist, the heir apparent, was elected by the suffrages of the sept during the lifetime of the ruling chieftain The eldest of the name and family had, indeed, the best title to this distinction but his capacity and deserts were previously submitted to examination, and the charge of crime or cowardice, or deformity, might be urged as an insuperable objection to his appointment. If the reigning family could not supply a fit person, the new tanist was selected from the next branch in the sept, and thus every individual could flatter himself that in the course of a few generations the chieftainry might fall to the lot of his own posterity Such a custom, however, could not fail to create intestine quarrels, which, instead of waiting the tardy decision of the triennial assembly of the states, were generally terminated by the passions and swords of the parties The elections were often attended with bloodshed sometimes the ambition of the tanist refused to await the natural death of his superior frequently the son of the deceased chieftain attempted to seize by violence the dignity to which he was forbidden to aspire by the custom of his country Hence every sept and every kingdom was divided by opposite interests, and the successful candidate, instead of applying to the improvement of his subjects, was compelled to provide for his own security by guarding against the wiles, the treachery, and the swords of his rivals [1]

II Gavelkind is that species of tenure, by which lands descend to all the sons equally, and without any consideration to primogeniture It prevailed in former ages among all the British tribes and some relics of it in an improved form remain in England even at the present day Among the Irish it existed as late as the reign of James I, and still retained the rude features of the original institution While it excluded all the females, both the widow and the daughters, from the possession of land, it equally admitted all the males, without distinction of spurious or legitimate birth Yet these did not succeed to the individual lands held by their father. At the death of each possessor, the landed property of the sept was thrown into one common mass a new division was made by the equity or caprice of the canfinny, and their respective portions were assigned to the different heads of families in the order of seniority It is evident that such a tenure must have imposed an insuperable bar to agricultural improvement, and to the influence of agriculture in multiplying the comforts of civilized life It could only exist among a people prin-

[1] The annals of Ireland furnish very few instances in which a son obtained the government on the death of his father More than half of the kings appear to have been murdered, or to have fallen in battle

cipally addicted to pasturage, and to whom the prospect of migrating to a more favourable situation, made a transient preferable to a permanent interest in the soil. Accordingly, Davis tells us that even in his time, the districts in which gavelkind was still in force seemed to be all one "wilderness."[1]

When the natives, after a long struggle, assumed the ascendancy over the Danes, the restoration of tranquillity was prevented by the ambition of their princes, who, during more than a hundred years, contended for the sovereignty of the island It was in vain that the pontiffs repeatedly sent, or appointed, legates to establish the discipline of the canons, and reform the immorality of the nation, that the celebrated St. Malachy added the exertions of his zeal, and that the Irish prelates, in their synods, published laws, and pronounced censures The efficacy of these measures was checked by the turbulence of the princes and the obstinacy of the people,[2] it was entirely suspended by the subsequent invasion of the English. The state of Ireland at that period has been delineated by Girald, who twice visited the island, once in the company of his brother, a military adventurer, and afterwards as the chaplain or secretary of John, the youngest of Henry's sons. In three books on the topography, and two on the subjugation of Ireland, he has left us the detail of all that he had heard, read, and saw. That the credulity of the Welshman was often deceived by fables, is evident, nor is it improbable that his partiality might occasionally betray him into unfriendly and exaggerated statements, yet the accuracy of his narrative in the more important points is confirmed by the whole tenor of Irish and English history, and by its accordance with the accounts which the abbot of Clairvaux had received from St Malachy, and his disciples[3] The ancient division of the island into five provinces or kingdoms was still retained,[4] but the nominal sovereignty over the whole, which for several generations had been possessed by the O'Neals, had of late been assumed by different chieftains, and was now claimed by the O'Connors, kings of Connaught The seaports, inhabited chiefly by the descendants of the Ostmen, were places of some trade[5] Dublin is styled the rival of London, and the wines of Languedoc were imported in exchange for hides.[6] But the majority of the natives shunned the towns, and lived in huts in the country They preferred pasturage to agriculture Restraint and labour were

[1] Davis, Reports, p 134

[2] Of a great council of the laity and clergy assembled in 1167, it is remarked as something very extraordinary, "that they separated in peace, without quarrel, or battle, or recrimination, owing to the great prudence of Roderick, king of Ireland"—Annal. iv Magist ad ann

[3] I have attentively perused the Cambrensis eversus of Lynch, a work of much learning and ingenuity. In several instances he may have overturned the statements of Girald, in the more important points he has completely failed The charge of barbarism so frequently and forcibly brought forward by St. Bernard, could be neither repelled nor evaded His principal resource has been to insinuate, that it should be confined to a small district, though his authority describes it as general (per universam Hiberniam ubique—Vit Malach 1937), and to contend that it was eradicated by St Malachy, though the contrary is proved by incontestable evidence—See Lynch, p 151

[4] These provinces were Leinster, Desmond or South Munster, Tuamond or North Munster, Connaught, and Ulster Meath was considered as annexed to the dignity of monarch of Ireland Dr O'Connor has attempted to describe the limits of these divisions from the more ancient writers—Proleg lvii lix

[5] The Ostmen of Ireland were the same as the Northmen of the Saxon writers. Their native country lay to the eastward.—Girald, 750.

[6] Girald, 700. Divitinum, urbem maritimam, portuque celeberrimo nostrarum emulam Londoniarum—Newb. ii 26.

deemed by them the worst of evils, liberty and indolence the most desirable of blessings[1] The children owed little to the care of their parents, but, shaped by the hand of nature, they acquired, as they grew up, elegant forms, which, aided by their lofty stature and florid complexion, excited the admiration of the invaders Their clothing was scanty, fashioned after the manner which to the eye of Girald appeared barbarous, and spun from the wool of their sheep, sometimes dyed, but generally in its natural state In battle they measured the valour of the combatants by their contempt of artificial assistance, and when they beheld the English knights covered with iron, hesitated not to pronounce them devoid of real courage. Their own arms were a short lance, or two javelins, a sword called a skene, about fifteen inches long, and a hatchet of steel called a "sparthe." The sparthe proved a most formidable weapon It was wielded with one hand, but with such address and impetuosity, as generally to penetrate through the best-tempered armour To bear it was the distinction of freemen, and as it was always in the hand, it was frequently made the instrument of revenge.[2] They constructed their houses of timber and wicker-work with an ingenuity which extorted the praise of the English[3] Their churches were generally built of the same materials, and when Archbishop Malachy began to erect one of stone, the very attempt excited an insurrection of the people, who reproached him with abandoning the customs of his country, and introducing those of Gaul.[4] In temper the natives are described as irascible and inconstant, warmly attached to their friends, faithless and vindictive towards their enemies[5] Music was the acquirement in which they principally sought to excel, and the Welshman, with all his partiality for his own country, has the honesty to assign to the Irish the superiority on the harp[6]

That the clergy of Ireland in the sixth century differed in some points of discipline from the clergy of the neighbouring churches, is plain from the disputes respecting the time of Easter and the form of the tonsure that they agreed in all points of doctrine is equally evident from the history of these very disputes, from the cordial reception of the Irish ecclesiastics in Gaul and Italy, and from the easy amalgamation of their rules with those of the continental monks[7] During the invasions of the Northmen, they were the principal sufferers, at the return of tranquillity

[1] Girald, 739.

[2] Girald, 738, 743

[3] They erected for Henry II at Dublin virgeum palatium magnum —Gerv 1421 It is called by Brompton, Opus de virgis mirifice ad modum illius patriæ —Bromp 1079

[4] He wished to build at Benchor oratorium lapideum ad instar illorum quæ in aliis regionibus extructa conspexerat. Indigenæ mirati sunt, quod in terra illa necdum ædificia ejusmodi invenirentur —O bone vir, quid tibi visum est nostris hanc inducere regionibus novitatem Scoti sumus, non Galli —S Bern in Vit S Malach 1952 He had built in the same place, but before he had visited other countries, de lignis lævigatis, sed apte firmiterque contextum, opus Scoticum, pulchrum satis.—Id. 1935 I observe that Bede, four centuries before, gave the same name of opera Scotica to the wooden churches built in the north of England by the Irish missionaries —Bed Hist iii 25

[5] Girald, 743 See some instances in Vit. Malach 1950, 1951

[6] Id 739

[7] Though the moderns tell us that they did not admit the supremacy of the popes, no such information is contained in any ancient writer From Bede we incidentally learn that on points of difficulty they were accustomed to consult the Roman church (Hist ii 19), and to submit to its decisions. —Hist iii 3 Cummin (he wrote in 630), in his letter to Segienus, says that to obtain the judgment of the Holy see, misimus quos novimus sapientes esse, velut natos ad matrem —Ussher, Syl. Ep. p. 34.

their churches and possessions fell, in many instances at least, into the hands of laymen, and were retained, according to the custom of tanistry, in the possession of the same family for several generations [1] This was the fate even of the church of Armagh, the original see of St Patrick, and the residence of the metropolitan of Ireland During the lapse of almost two centuries it had been occupied by individuals of the same lineage, fifteen of whom immediately succeeded each other Of these six only were clergymen, the rest were lay chieftains, who, though they did not presume to exercise the episcopal functions, enjoyed with the title the emoluments of the bishopric Celsus determined to abolish this abuse, and chose for his successor the celebrated Malachy O'Morgan, but the family of Celsus deemed the appointment an invasion of their just rights, and at his death placed Maurice, one of his relatives, on the metropolitan throne Maurice at his decease left his dignity to Nichel, but Nichel was expelled by the neighbouring chieftains, and Malachy, after a delay of five years, obtained the precarious possession of Armagh. It was to this prostitution of the archiepiscopal authority, that St. Bernard attributed the want of canonical discipline among the clergy, and the prevalence of immorality, superstition, and incestuous concubineage among the people [2] To remedy such evils, the popes, for almost a century before the invasion, had employed the zeal of foreign and national legates; and Girald bears a willing testimony to the general character of the clergy, with whom he had been acquainted But while he praises their devotion, continency, [3] and personal virtues, he justly complains, that, living in communities under the eye of their bishop and abbot, they confined themselves to the practices of the monastic profession, and neglected the principal office of clergymen, the duty of instructing the ignorance, and of reproving the vices of the people. [4]

The proximity of Ireland to England, and the inferiority of the natives in the art of war, had suggested the idea of conquest to both William the Conqueror and the first Henry. The task, which they had abandoned, was seriously taken up by the son of Matilda. To justify the invasion of a free and unoffending people, his ambition had discovered that the civilization of their manners and the reform of their clergy were benefits, which the Irish ought cheerfully to purchase with the loss of their inde-

[1] This custom prevailed both in Wales and Ireland Hæc ecclesia, says Giraldus, sicut et aliæ per Hiberniam et Walliam plures, abbatem laicum habet Usus enim inolevit, et prava consuetudo, ut viri in parochia potentes, primo ecclesiarum patroni et defensores a clero constituti, postea totum sibi jus usurparent, terras omnes sibi appropriarent, solum altaria cum decimis et obventionibus clero relinquentes, et hæc ipsa filiis suis clericis et cognatis assignantes —Itin. Camp 963 Thus when St Malachy was made abbot of Benchor, the possessions of the monastery were held by the lay abbot. A tempore quo destructum est monasterium non defuit, qui illud teneret cum possessionibus suis Nam et constituebantur, per electionem etiam, et abbates appellabantur, servantes nomine et non re quod olim extiterat.—D. Bernard. in Vit Malach 1935

[2] Vit S Malach 1937—1941 Serm. in transitu Malach 301 Inde tota illa per universam Hiberniam dissolutio ecclesiasticæ disciplinæ Inde illa ubique pro consuetudine Christiana sæva subintroducta barbaries (1937) —See also 1932, 1936 Girald, 742, 743

[3] We are repeatedly told that the ancient clergy of Ireland were married, but I can find no proof of the assertion The fragment which is so often quoted from Ussher, means the reverse It states that the missionaries, the saints of the first order, who lived among the people, did not refuse the services of women, because they were superior to temptation, while those of the second order, who followed them, dwelt in monasteries, from the precincts of which females were excluded —Ussher, 913.

[4] Girald, 745, 746.

pendence Within a few months after his coronation, John of Salisbury, a learned monk, and afterwards bishop of Chartres, was despatched to solicit the approbation of Pope Adrian. The envoy was charged to assure his holiness that Henry's principal object was to provide instruction for an ignorant people, to extirpate vice from the Lord's vineyard, and to extend to Ireland the annual payment of Peter-pence, but that as every Christian island was the property of the Holy see,[1] he did not presume to make the attempt without the advice and consent of the successor of St. Peter The pontiff, who must have smiled at the hypocrisy of this address, praised in his reply the piety of his dutiful son, accepted and asserted the right of sovereignty which had been so liberally admitted, expressed the satisfaction with which he assented to the king's request and exhorted him to bear always in mind the conditions on which that assent had been grounded[2] At the following Michaelmas a great council was held to deliberate on the enterprise, but a strong opposition was made by the empress mother, and the barons, other projects offered themselves to Henry's ambition; and the papal letter was consigned to oblivion in the archives of the castle of Winchester[3]

Fourteen years after this singular negotiation, a few Welsh adventurers landed in Ireland at the solicitation of one of the native princes. Dermot, king of Leinster, had several years before carried away by force Dervorgil, the wife of O'Ruarc, prince of Breffny or Leitrim The lady appears to have been a willing captive, but the husband, to avenge his disgrace, claimed the assistance of Turlogh O'Connor, monarch of Ireland, and the adulterer was compelled to restore the fugitive From this period Dermot and O'Ruarc adhered to opposite interests in all the disputes which agitated the island During the life of Maurice O'Loghlin, who succeeded O'Connor in the sovereign authority, Dermot braved the power of his adversary, but on the death of that prince, the house of O'Connor resumed the ascendancy O'Ruarc destroyed Ferns, the capital of Lein-

[1] Sane Hiberniam et omnes insulas (Hume seems to have read regna, for he translates it kingdoms), quibus sol justitiæ Christus illuxit, . ad jus S Petri et sacrosanctæ Romanæ ecclesiæ (quod tua etiam nobilitas recognoscit) non est dubium pertinere — Chart Adriani, Leg Sax 349 But on what did this extraordinary claim rest? On the donation of Constantine, the authenticity of which was never questioned by the critics of those ages This we learn from the negotiator himself Omnes insulæ de jure antiquo, ex donatione Constantini, qui eam fundavit et dotavit, dicuntur ad ecclesiam Romanam pertinere —Joan Saris Metalog iv 42 Keating (p 548) pretends that the Irish princes in 1092 gave the sovereignty of the island to Pope Urban II, through enmity to Donchad O Brian, king of Munster But Donchad was expelled in 1047, and the Irish in their memorial to John XXII contend that their monarchs never acknowledged a superior in temporals before the English invasion —Ford xii 26

[2] See the letter in Girald, 787, Diceto, 539, Leg Sax 319, New Rymer, 19 A most unfaithful translation is published in Mr Plowden's Ireland, tom i App No 1 John of Salisbury, who must have known its real purport, calls it a grant of inheritance Ad preces meas Henrico concessit et dedit Hyberniam jure hæreditario possidendam, sicut literæ ipsius testantur —Metalog iv 42 It is however observable, that Adrian in this instrument avoids the usual language of feudal grants, he merely signifies his acquiescence in the king's project, he is willing that Henry should enter Ireland, and be acknowledged as lord by the natives Gratum et acceptum habemus, ut pro dilatandis ecclesiæ terminis, &c, insulam illam ingrediaris—et illius terræ populus honorifice te recipiat, et sicut dominum veneretur —Leg Sax. ibid. Compare this with Hume's account, c ix

[3] Chron Norm 691 When Louis, a few years later (1159), meditated a similar expedition into Spain, and for that purpose requested the consilium et favorem Romanæ ecclesiæ, the answer was very different. Adrian dissuaded him, because it was inconsulta ecclesia et populo terræ illius.—Bouquet, xv. 690.

ster and Dermot was driven out of the island [1] The exile, abandoned by his countrymen, solicited the assistance of strangers Passing through England to Aquitaine, he did homage for his dominions to Henry, and obtained permission to enlist adventurers in his service His offers were accepted by Richard de Clare, surnamed Strongbow, earl of Strigul or Pembroke,[2] a nobleman of ruined fortunes and in disgrace with his sovereign, and by two brothers, Robert Fitz-Stephen and Maurice Fitz-Gerald, Welsh gentlemen, equally distressed in their circumstances, and equally ready to engage in any desperate enterprise [3] Relying on their promises, Dermot returned to Ireland, and found, during the winter months, a secure asylum in the monastery of Ferns In the beginning of summer Fitz-Stephen landed in Bannock Bay, accompanied or followed by one hundred and forty knights, sixty coats of mail, and three hundred archers The king joined them with a body of natives, and by the reduction of Wexford, struck dismay into the hearts of his enemies He then led his forces against Donald, the prince of Ossory, a ferocious chieftain, whose jealousy a few years before had deprived the eldest of Dermot's sons of sight, and afterwards of life The men of Ossory, five thousand in number, amid their forests and marshes, defended themselves with success, but by a pretended flight they were drawn into the plain, where a charge of the English cavalry bore them to the ground, and the fallen were immediately despatched by the natives under the banner of Dermot. A trophy of two hundred heads was erected at the feet of that savage, who testified his joy by clapping his hands, leaping in the air, and pouring out thanksgivings to the Almighty As he turned over the heap, he discovered the head of a former enemy His hatred was rekindled at the sight, and seizing it by the ears, in a paroxysm of fury, he tore off the nose with his teeth [4]

The ambition of Dermot now aspired to the sovereignty of the island. With this view he solicited reinforcements from England, and reminded the earl of Strigul of his engagements "We have seen," says the king, in a singular letter preserved by Girald, "the storks and the swallows The birds of the spring have paid us their annual visit, and at the warning of the blast have departed to other climes. But our best friend has hitherto disappointed our hopes. Neither the breezes of the summer, nor the storms of the winter, have conducted him to these shores."[5] His expectations were soon realized by the arrival of Fitz-Gerald and Raymond, with twenty knights, thirty coats of mail, and one hundred and seventy archers. The strangers landed four miles to the south of Waterford, and were immediately opposed by O'Phelan at the head of three thousand men They retired before the multitude to the rock of Dundolf, where, aided by the advantage of the ground, they repelled every attack. Fame exaggerated the loss of the natives to five hundred men, but the

[1] I have preferred this account of the Irish annalists to that of Girald

[2] He took the title of Strigul from a castle of that name near Chepstow —Dugd Introd to Baron

[3] These brothers were by different husbands the sons of Nesta, a Welsh princess, who while she was the mistress of Henry I had borne to that monarch Robert, the celebrated earl of Gloucester

[4] Girald seems to have received the account from an eye-witness (760, 763). The decapitation of the slain was probably an Irish custom But if it were, it was adopted by the invaders When O'Ruare was slain at a conference between him and Hugh de Lacy, his head was sent to the king in England (Girald, 780) ; and on the defeat of the men of Kilkenny, the victors offered one hundred heads to Prince John in Dublin —Id 807

[5] Girald, 767.

glory of the victory was sullied by the cruelty of the invaders, who wantonly precipitated seventy of their captives from the promontory into the sea [1]

When Strongbow despatched the last reinforcement, he had obtained an ambiguous permission from Henry he now followed with twelve hundred archers and knights, though he had recently received an absolute prohibition At the third assault Waterford was taken Dermot eagerly marched against Dublin It was carried by storm, and the victor testified by numerous donations his gratitude for the services of his auxiliaries But while he was meditating new conquests, he was arrested by death, and Strongbow, who had previously married his daughter Eva, and had been appointed his successor, immediately assumed the royal authority. The most powerful efforts were now made to expel the strangers from Dublin The former inhabitants, who had escaped under Asculf the Ostman, attempted, with the aid of sixty Norwegian vessels, to regain the city They were scarcely repulsed, when Roderic, king of Connaught, sat down before it In the ninth week of the siege he was surprised by a sally from the garrison, and the multitude of his followers was completely dispersed Lastly, O'Ruare with the natives of Meath undertook to avenge the cause of his country. He lost his son, and the bravest of his associates. [2]

When the Welsh adventurers first sailed to the aid of Dermot, Henry had viewed the enterprise with contempt, their subsequent success awakened his jealousy. As soon as he heard of the capture of Waterford, he forbade by proclamation any of his subjects to cross over to Ireland, and commanded all who had already joined in the invasion, to return under the penalty of forfeiture Strongbow was alarmed, and despatched Raymond to lay his conquests at the feet of his sovereign The messenger was unable to procure an answer Henry of Mountmaurice followed, and was equally unsuccessful. The earl, convinced of his danger, now adopted the advice of his friends, and repairing to England, waited on Henry at Newnham, in Gloucestershire At first he was ignominiously refused an audience, and to recover the royal favour, renewed his homage and fealty, surrendered to Henry the city of Dublin, the surrounding cantreds, and the castles and harbours in his possession, and consented to hold the remainder of his lands in Ireland as tenant in chief of the English crown With this the king was satisfied, the acquisitions of the adventurers had been transferred to himself, and he permitted Strongbow to accompany him to Milford Haven, where he embarked with five hundred knights, their esquires, and a numerous body of archers, on board a fleet of four hundred transports He landed at Waterford, received during a hasty progress the homage of the neighbouring princes, and directed his march towards Dublin, where a temporary palace of timber had been erected for his reception It was his wish rather to allure than to compel submission, and the chieftains whom hope, or fear, or example, daily led to his court, were induced to swear obedience to his authority, were invited to his table, and were taught to admire the magnificence and affability of their new sovereign But while so many others crowded to Dublin, the pride of O'Connor refused to meet a superior, and the severity of the season, with the inundation of the country, placed him beyond the

[1] Girald, 766—769.

[2] Girald, 766—775.

reach of resentment. He condescended, however, to see the royal messengers on the banks of the Shannon, and to make in their presence a nominal submission The princes of Ulster alone obstinately preserved their independence they would neither visit the king, nor own his authority [1]

When in the preceding year Dermot let loose his foreign auxiliaries against his countrymen, the Irish bishops, surprised at their unexampled success, had assembled at Armagh, and looking on the strangers as the ministers of the divine wrath, had enacted that every slave who had been imported from England, should be immediately restored to his freedom [2] After the arrival of Henry, they held another synod at Cashel, under the presidency of the papal legate, the bishop of Lismore signed a formal recognition of the king's sovereignty, and framed several canons for the reform of their church By these polygamy and incestuous marriages were prohibited, baptism was ordered to be administered by the priest in the church, and not by laymen in private houses, the clergy were declared exempt from the exactions of their chieftains, the payment of tithes and the chant of the service were enjoined. the form was prescribed by which the dying ought to dispose of their property, and provision was made for the decent sepulture of the dead.[3] The archbishop of Armagh, a prelate advanced in years, and venerated for his sanctity, was prevented by indisposition from attending the council, but he visited the king at Dublin, and amused the courtiers by exhibiting as his travelling companion a white cow, the milk of which formed the principal part of his nourishment.[4]

It had been the wish of Henry to spend the following summer in Ireland, to penetrate to the western and northern coasts, and by the erection of castles in favourable situations to insure the submission of the country. But he was recalled to England in the spring by affairs of greater urgency; and left the island without having added an inch of territory to the acquisitions of the original adventurers His nominal sovereignty was, indeed, extended over four out of five provinces, but his real authority was confined to the cantreds in the vicinity of his garrisons. There the feudal customs and services were introduced and enforced, in the rest of the island the national laws prevailed, and the Irish princes felt no other change in their situation, than that they had promised to a distant prince the obedience which they had previously paid to the king of Connaught At Henry's departure the supreme command had been given by him to Hugh de Lacy, with the county of Meath for his fee But during the war which afterwards ensued between the king and his sons, De Lacy was summoned to the assistance of the father, and the government of the English conquests reverted to the earl of Strigul, who possessed neither the authority to check the rapacity of his followers, nor the power to overawe the hostility of the natives. The castles which had been fortified in Meath were burnt to the ground, Dublin was repeatedly insulted; four English knights, and four hundred Ostmen, their followers, fell in a battle in Ossory, and the governor himself was compelled to seek refuge within

[1] Girald, 770, 775, 776. Gervase, 1420 Newbrig ii 26
[2] Girald, 770
[3] Girald, 776. Ben. Abb. 30, 31. Brompt 1071.

[4] He died in 1174, in his 87th year The four masters give him this character. Vir virgineæ puritate et cordis munditiis coram Deo et hominibus, gloriosus in senectute bona sanctissime obiit.—Iid. ad ann.

the castle of Waterford A seasonable supply of forces raised the siege, and restored the preponderance of the English adventurers [1]

It was during this period, when his authority in Ireland was nearly annihilated, that Henry bethought him of the letter which he had formerly procured from Pope Adrian. It had been forgotten during almost twenty years, now it was drawn from obscurity, was intrusted to William Fitz-Aldhelm, and Nicholas, prior of Wallingford, and was read by them with much solemnity to a synod of Irish bishops [2] How far it served to convince these prelates that the king was the rightful sovereign of the island, we are left to conjecture, but the next year O'Connor sent the archbishop of Tuam to Windsor, and a treaty of "final concord" was concluded by the ministers of the two princes In this instrument Henry grants to his liege man, Roderic, king of Connaught, that he should be king under the English crown, as long as he faithfully performed the services to which he was bound, that, on the annual payment of tribute, he should possess his own lands in peace, as he did before the invasion, that he should have under him all the other chieftains of Ireland, who should hold their lands in peace, as long as they were faithful to the king of England, and paid him tribute, that Roderic should collect that tribute and transmit it to Henry, should punish the defaulters, and, if it were necessary, call in for that purpose the aid of the king's constable, that the tribute should be every tenth merchantable hide on the lands of the natives, that the authority of Roderic should extend over the whole island with the exception of the demesne lands belonging to Henry, and those belonging to his barons, that is Dublin, Meath, Wexford, and Waterford, as far as Duncannon [3] Roderic afterwards surrendered one of his sons to Henry as a hostage for his fidelity [4]

But treaties could not bind the passions of either the natives or foreigners The former, urged by national resentment, seized every opportunity of wreaking their vengeance on their despoilers, the latter, for the most part men of lawless habits and desperate fortunes, could support them-

[1] Girald, 778, 782, 785, 786

[2] Girald, 787. Henry also procured at this time a confirmation of Adrian's grant Concessionem ejusdem Adriani super Hibernici regni dominio vobis indulto ratam habemus, et confirmamus quatenus, eliminatis terræ illius spurcatus, barbara natio quæ Christiano censetur nomine, vestra indulgentia morum induat venustatem — Ussher, Syl Epist 111 These expressions have aroused the indignation of some native writers, who probably were not aware of the causes which induced the pontiff to make use of them In the Liber niger Scaccarii (p 42—49, and in the New Rymer, 45), are three briefs dated on the 20th of September, 1172, and directed to the king of England, to the kings and princes of Ireland, and to the prelates who had assembled in the council of Cashel, and who had sent him a written account of the state of their church. In all these briefs the pontiff speaks in strong terms of the licentious habits, and the untamed passions of the people The following extract will perhaps justify the offensive expressions Ut alias enormitates et vitia quibus eadem gens, omissa religione Christianæ fidei satis irreverenter deservit, omittamus novercas suas publice introducunt, et ex eis non erubescunt filios procreare, frater uxore fratris eo vivente abutitur, unus se duabus sororibus miscet, et plerique illorum, matre relicta, filias introducunt —Ibid p 45 Nor does this statement depend solely on the authority of the pontiff, it is confirmed by every other monument of the times Both Archbishop Lanfranc and his successor St Anselm, in their correspondence with the Irish kings, make similar complaints The latter says, Virgines libere et publice suas uxores uxoribus aliorum commutant, sicut quilibet equum equo —Ussher, Syl. Epist 70, 94, 95 See also St Bernard in Vit Mal 1932, 1936, 1937, Girald, 742, 743 Truth, the first duty of the historian, has compelled me to notice these passages, nor do I see how it can affect the character of a noble and highly-gifted people, if they acknowledge that their ancestors, like the ancestors of their neighbours, were in former ages far removed from the habits and decencies of civilized life

[3] Rym. Fœd 1. 41. Ben. Abb. II. 123

[4] Id Hov 348.

selves only by plunder, and therefore sought every pretext to create or to prolong hostilities Strongbow died in 1177, leaving two children by Eva, a son, who followed his father to the grave, and a daughter, named Isabella, heiress to the kingdom of Leinster With the guardianship of this lady, Henry conferred the government on Fitz-Aldhelm, a minister fond of money, and addicted to pleasure, who shunned the dangers of war, and enriched himself at the expense of his inferiors De Courcy, a rough soldier, and second in command, took advantage of the discontent of the army, and with three hundred and fifty men, in defiance of the governor's prohibition, made an incursion into the province of Ulster They hoped to surprise Mac Dunleve, the king, in his residence at Downpatrick to their astonishment, with the Irish chief they found the Cardinal Vivian, a legate from Rome, on his road towards Dublin This ecclesiastic, unable to dissuade the invaders, gave his benediction to Mac Dunleve, and exhorted him to fight bravely in the defence of his country But, though the men of Ulster were famed for their courage, they were no match for the superior discipline and armour of their opponents, in the three battles victory declared for De Courcy, and the conqueror was able to retain the possession of Downpatrick, in despite of the constant, and occasionally successful, hostilities of the natives [1]

Henry had obtained from the pontiff a bull empowering him to enfeoff any one of his sons with the lordship of Ireland In a great council assembled at Oxford he conferred that dignity on John, a boy in his twelfth year, and cancelling the grants which he had formerly made, retained for himself in demesne all the seaports with the adjoining cantreds, and distributed the rest of the English possessions among the chief adventurers, to be holden by the tenure of military service of him, and of his son John.[2] At the same time Hugh de Lacy was appointed lord deputy, an officer, whose talents and administration have been deservedly praised He rebuilt the castles in Meath, invited the fugitives to re-settle in their former homes, and by his equity and prudence reconciled them to the dominion of strangers But his merit, joined to his marriage with a daughter of Roderic O'Connor, alarmed the jealous temper of Henry, and he received an order to resign his authority to Philip de Worcester, who in a few months was superseded by the arrival of Prince John, attended by a numerous force. Unfortunately the counsellors and favourites of the prince were Normans, who viewed with equal contempt the chieftains of the Irish and the adventurers from Wales The former they irritated by insults, ridiculing their garb, and plucking their beards, the latter they offended by removing them from the garrison towns to serve in the marches Their thirst for wealth made no distinction between friend or foe Even the lands of the Septs, which had hitherto proved faithful, were now divided; and the exiles, from the desire of revenge, their local knowledge, and their gradual improvement in the art of war, soon became formidable adversaries The strangers lost several of their most fortunate leaders, with the greater part of their retainers, the English ascendancy rapidly declined, the council was divided by opposite opinions and angry recriminations, and John, after an inglorious rule of nine months, was recalled by his father.[3] De Courcy, who succeeded him, by repeated and laborious expe-

[1] Girald, 794. Ben. Abbas, 169. Newbrg iii 9.

[2] Hoved 233

[3] Girald 805, 807, 808. Hoved. 359.

ditions, preserved, if he did not extend, the English conquests, which comprised the maritime districts of Down, Dublin, Wexford, Waterford, and Cork, connected with each other by a long chain of forts This was the period when the natives, had they united in the cause of their country, might, in all probability, have expelled the invaders. But they wasted their strength in domestic feuds. Even the family of their national sovereign was divided by a most sanguinary contest. Murrogh, the son of Roderic, with the aid of an English partisan, had invaded the territory of his father He was taken, imprisoned, and deprived of sight His partisans rescued him, and Roderic retired to a convent By the English of Munster the old king was restored to his throne, his son Connor Manmoy compelled him once more to return to his asylum Manmoy was murdered by one of his brothers, that brother fell by the revenge of a nephew, and Connaught presented a dreadful scene of anarchy and carnage, till another brother, Cathal the bloody-handed, subdued every competitor, and obtained the pre-eminence which had been enjoyed by his father [1]

That the reader might form an accurate notion of the manner in which the authority of the English princes was originally established in Ireland, I have conducted the narrative of these events to the death of Henry. It is now time to revert to the personal history of that monarch During five months, from the day of his landing at Waterford till the end of March, it was observed that not a single vessel from England or his territories on the continent had arrived on the Irish coast. So unusual a suspension of intercourse was attributed to the tempestuous state of the weather; the real cause was the policy of the king, who even at that distance dreaded the spiritual arms of the legates At Wexford he received a favourable message, and sailing instantly for England, traversed the island with expedition, and crossed the Channel to Normandy. When Louis, who believed him to be in Dublin, heard that he was at Barfleur, he exclaimed "The king of England neither rides nor sails He flies with the rapidity of a bird One moment transports him from Ireland to England, another from England to France" If his first conference with the legates proved unsatisfactory, at the second every difficulty was amicably adjusted In the cathedral of Avranches, before the legates, bishops, barons, and people, with his hand placed on the book of the Gospels, he solemnly swore that he was innocent both in word and deed of the murder of the archbishop This oath was taken spontaneously, but, as he could not deny that he had at least given occasion by passionate expressions to the project of the assassins, he consented to maintain during twelve months two hundred knights for the defence of the Holy Land, to serve in person, if the pope required it, for three years against the infidels either in Palestine or Spain, to restore the lands and possessions belonging to the friends of the archbishop, to allow appeals on taking reasonable security from persons whom he suspected; and to abolish the customs hostile to the liberties of the clergy, if any such customs had been introduced since his accession.[2] Immediately after the oath, the king was solemnly absolved

[1] Roderic retired to the monastery of Conga in 1184, and died in 1198, at the age of 82 At his death he divided his treasures among the poor, the churches of Ireland, and those of Rome and Jerusalem —O'Connor, lxxxviii.

[2] Hoved. 302, 303. Ep. S. Tho. ii. 119, 122, 125. Ep. Joan. Saris, 290. New Rymer, 27. In the oath published from the acts of Alexander by Baronius (xii. 637), and by Muratori (Rer. Ital. Scrip. iii. 463), there occurs an additional and very im-

from all censures by the legates The young king took the same oath, with the exception of those articles which regarded his father personally

The reader will have observed that by the last article the original cause of the dissension between Henry and the late primate had been left open for discussion Four years elapsed before the question was terminated. During the interval the Constitutions of Clarendon, though still unrepealed, were not enforced, and the secular and spiritual tribunals, though actuated by the same spirit of rivalry, preferred their respective claims with unusual moderation The former were struck dumb by the martyrdom of the primate and the subsequent submission of the monarch, the latter were checked by the indecision of Richard, the new archbishop, whose courage evaporated in vaunts and menaces At length, in consequence of a request from the king, a legate arrived, the cardinal Hugo Petroleone, a relation and friend of Henry In a great council at Northampton the matter was debated, and the result may be learned from a letter which the king sent to Alexander by the legate After professing his high veneration for the pontiff, Henry informs him, that, notwithstanding the opposition of many of his barons, the four following points had been granted 1 That no clergyman should be personally arraigned before a secular judge for any crime or transgression, unless it were against the laws of the forest, or regarded a lay fee, for which he owed service to a lay lord 2 That no bishopric or abbey should be kept in the king's hands longer than a year, unless it were required by the evident necessity of the case 3 That the murderers of clerks, on their conviction or confession before the king's justice, in the presence of the bishop or his officer, besides the usual punishment of laymen, should forfeit their inheritance for ever 4 and that clergymen should never be compelled to make wager of battle [1] The exception in the first of these articles was severely condemned by the clergy, but could not with decency be opposed by the legate The church had forbidden to

portant article Præterea ego et major filius meus rex juramus quod a domino Alexandro papa et catholicis ejus successoribus recipiemus et tenebimus regnum Angliæ, et nos et successores nostri in perpetuum non reputabimus nos Angliæ veros reges, donec ipsi nos catholicos reges tenuerint From the silence of all the letters now extant, which were written on the occasion, the authenticity of this article might fairly be doubted, were it not supported by what seems to me incontrovertible evidence 1° It is certain that besides the public oaths, there were private articles, which were kept secret The legates say promisit etiam et alia de libera voluntate gerenda, quæ non oportet scripturæ serie denotare — Ep Card ad Archiep Senon Ep 8 Thom. II 124, ad Archiep Raven, ibid 125 2° Henry himself the very next year, in a letter preserved by his secretary Peter de Blois, mentions as a thing perfectly understood between him and the pope, that he holds the kingdom of England in fee from the Roman church. Vestræ jurisdictionis est regnum Angliæ, et quantum ad feudatarii juris obligationem vobis duntaxat obnoxius teneor et astringor —Pet Bles Ep 136. I conceive therefore that this oath of feudal subjection was one of those things which he added de liberâ voluntate. Another thing was freedom of canonical election, which he then granted at the request of the pope —See his letter to Alexander, Ep 8 Thom II 289

[1] Diceto, 591, 592 Notwithstanding this original letter, preserved by a contemporary historian, several modern writers tell us that in this council the Constitutions of Clarendon were renewed and confirmed. They have been misled by an interpolation in the text of Gervase, owing probably to the ignorance of some copier Gervase tells us (1433), that the assize of Clarendon was renewed and ordered to be enforced after which come these words pro cujus execrandis institutis beatus martyr Thomas exulavit, et martyrio coronatus est It is, however, certain that the assize of Clarendon was a very different thing from the Constitutions of Clarendon Both Benedictus Abbas (i 136), and Hoveden (413), seem to have inserted it in their account of the council of Northampton It formed the code of instructions given to the itinerant judges, and has been published by Sir F Palgrave in his second volume.

ecclesiastics the exercise of hunting, and, if in the pursuit of this amusement they involved themselves in trouble, it was unreasonable that they should claim the protection of the very canons which they had broken With respect to the third article, it may be observed, that the spiritual courts asserted a jurisdiction over the murderers of clerks but as they could only impose the canonical penance of a pilgrimage to Rome, to obtain absolution from the pontiff, the inadequacy of the punishment tended to encourage rather than restrain the perpetration of the crime. Hence it became the wish of the prelates themselves that the trial of such offences should be confined to the secular courts, but in the presence of the bishop or of his deputy, to see that justice was done [1] The usual punishment was then inflicted on the convict, the amputation of a foot and hand, and to this was added the forfeiture of his property The remaining articles require no explanation.

In his negotiation with the cardinals Theodin and Albert, Henry had succeeded beyond his most sanguine expectations His tranquillity was soon interrupted by a new and equally vexatious quarrel originating in his own family For his children in their more early years he had displayed an affection bordering on excess, but as they grew up, the indulgent parent was gradually changed into a jealous and despotic sovereign Eleanor had borne him four sons, to each of whom his extensive dominions offered an ample inheritance Henry, the eldest, had already been crowned king of England, the duchies of Aquitaine and Bretagne were settled on Richard and Geoffrey, and John, the youngest, though the courtiers called him "lackland" and "sansterre," was destined by his father to succeed to the lordship of Ireland For reasons, with which we are unacquainted, Henry had not permitted the consort of his eldest son to be crowned with her husband, and the omission was resented by Louis as a marked and unpardonable insult both to himself and his daughter To appease that monarch the ceremony was now repeated Margaret was anointed and crowned together with Henry, and soon afterwards the young king and queen paid a visit to her father at Paris On their return they required the immediate possession of England or Normandy, that with the title they might be enabled to maintain the dignity which they had received The demand was heard with indignation, and dismissed with contempt, and Eleanor, who had foreseen, laboured to foment, the discontent of her son Once, that princess had been passionately attached to her husband, but for some years he had deserted her bed for a succession of mistresses, and she eagerly grasped the opportunity of inflicting that revenge, with the hope of which she had consoled her jealousy At her instigation the young Henry, while the court was on its return from Limoges, eloped to his father-in-law at St Denis, before three days had elapsed, Richard and Geoffrey followed the footsteps of their brother, and shortly afterwards it was ascertained that the queen herself, the original contriver of the mischief, had also absconded [2]

[1] There is among the letters of Peter of Blois one from the primate on this subject, written to three of the bishops, probably just before the council of Northampton He maintains that the claim of criminal jurisdiction in such cases is contrary to the gospel and the decretals, that it leaves the lives of the clergy without protection, is the cause of many murders, and that as the church has not the power of inflicting adequate punishment, the cognizance of such offences ought to be restored to the secular tribunals —Bles Epist 73 I conceive that the third article was enacted in consequence of this letter

[2] Newb ii 27. Dicet 559, 561. Hov. 305.

These unexpected events, so rapidly succeeding each other, convinced the king of the existence of a plot more deeply laid, and more widely diffused, than he had suspected. His first object was the recovery of his wife, and his three sons With this view he employed the bishops of Normandy to write to Eleanor an admonitory letter, in which they assured her, that unless she returned to her husband, and brought her children with her, they should feel it their duty to enforce obedience by ecclesiastical censures. She escaped, however, the disgrace of excommunication by what she probably deemed a more serious evil She fell into the hands of her offended husband, by whom she was immediately committed to close confinement. With the exception of one short interval, probably of only a few weeks, she remained a prisoner till his decease [1]

At the same time Henry had sent the archbishop of Rouen, and the bishop of Lisieux, to Paris, with instructions to solicit the return of his sons, and an offer to make the king of France umpire between him and them The reader may judge how cruelly his feelings must have been wounded by the reproachful, though not unmerited, reply of Louis "He spoke of your character," say the two prelates in a letter to Henry, "with freedom and asperity. He said that he had already been too often the dupe of your artifice and hypocrisy; that you had repeatedly, and on the slightest pretences, violated your most sacred engagements, and that after the experience which he had had of your duplicity, he had determined never more to put faith in your promises. Pardon us, royal sir, if we think it our duty to write, what it was painful to us to hear, but our charge requires that we should not only deliver the message which was intrusted to us, but also report the answer which we received" [2]

At Easter the plans of the three princes began to be developed Louis and the French barons, who had been summoned for the occasion, bound themselves by oath to aid with all their power the young Henry in his attempt to obtain possession of England, while he, on his part, solemnly engaged never to make peace with his father without the consent of the king and the nobility of France Philip, earl of Flanders, who was present, and William, king of Scotland, who had sent his ambassadors, entered into the league, nor did the two princes blush to accept as the price of their services, the former a grant of the earldom of Kent, the latter a grant of the three northern counties [3] These were powerful auxiliaries, but still greater reliance was placed on the promises of many barons in the heart of Henry's dominions, who, to emancipate themselves from the yoke of a vigilant monarch, were eager to transfer the crown to the brows of a thoughtless and indigent youth. The knowledge of this circumstance admonished the king to collect assistance from every quarter By liberal donatives he allured to his standard a body of twenty thousand adventurers, the aggregate refuse of all the nations of Europe, who, under the common appellation of Brabanders, were accustomed to sell their services to the highest bidder, and at the same time, that he might secure the aid of the

[1] In 1185 Henry compelled his son Richard to deliver to his mother Eleanor the earldom of Poitou (Hoved 352) But in the spring of the next year he brought her back to England, where she was confined till the king's death —Bened. Abb. ii 545, 549 Gerv 1647. Dicet. 646.

[2] Bles Ep 153, 154

[3] Hoved. 305 Gervase, 1424. Ben. Pet. 55, 6.

church, he solicited Alexander, in the most earnest manner, to shield with the papal authority the kingdom of England, "the fief of the Holy see, and patrimony of St Peter," from the unnatural attempts of his deluded children [1]

In the month of June the confederates commenced their operations on the frontiers of Picardy, of the Vexin, and of Bretagne Philip entered Normandy, Albemarle and Neuchatel surrendered at the first summons, but his progress was arrested by the loss of his brother and heir at the siege of Driencourt, and he retired into his own territory, cursing the infatuation which had led him to engage in so impious a contest Louis with his son-in-law invested Verneuil It was an important place, consisting of three burghs, and protected by an almost impregnable castle By fraud or stratagem they obtained possession of the most considerable of these divisions, but at the arrival of Henry, set it on fire, and fled with precipitation Their departure allowed him to despatch a body of mercenaries against the earl of Chester, and the baron of Fougeres, who had penetrated by the southern frontier They fled to the castle of Dol, famine compelled them to surrender, and more than a hundred knights, the flower of the Breton chivalry, were made prisoners With an air of superiority, the king assented to the proposal of a conference near Gisors, but the offers of Henry to his sons were refused by the advice of Louis, and the passions of the parties excited by the turbulence of the earl of Leicester, who, having obtained the royal permission to leave England, had perfidiously joined the confederates When Henry upbraided him with his treason, he laid his hand on his sword, and threatened the life of his sovereign To punish the rebel, Richard de Lucy, the justiciary, had already taken and dismantled the town of Leicester, but finding himself unable to reduce the castle, he united his troops with those of Humphrey de Bohun, the lord constable, and to revenge a sanguinary incursion of the Scots, marched to the north, burnt the town of Berwick, and pillaged the county of Lothian During their absence the earl of Leicester landed with a body of Flemings, and was joyfully received by Bigod, earl of Norfolk He took the castle of Hageneth, and attempted by a rapid march to join his faithful vassals in the castle of Leicester, but on his road at Fornham he unexpectedly fell in with the royal army on its return from the Lothians The small force of the rebels was trampled underfoot by the multitude of their enemies, the earl himself, his amazonian countess, and several knights, were taken, and De Lucy with the news of his success sent his captives to Henry in Normandy [2]

The allies, instead of being intimidated by these losses, spent the winter in maturing a new and more formidable plan of co-operation It arranged that Louis should burst into Normandy, that the adherents of Richard and Geoffrey should invest the royal castles in Aquitaine and Bretagne, that the king of Scotland should enter England on the north, and that the earl of Flanders with the young king should attempt an invasion on the southern coast Never was Henry's crown in more imminent danger The Scots poured into the northern counties a torrent of barbarians, whose ravages were no disgrace to the fame of their forefathers, and, though Carlisle and Prudhoe

[1] Hoved 305 Bles Ep 136 See the preceding note, p. 97

[2] Gul Newbrig ii 28, 29, 30 Hov 306, 307 Diceto, 570—574. Gervase, 1426

defied their efforts, Brough, Appleby, Harbottle, Warkworth, and Liddel, were compelled to surrender In Yorkshire the rebel standard was unfurled by Roger de Mowbray, in the centre of the kingdom, the royal forces were kept at bay by the earl Ferrers, and by David, earl of Huntingdon, brother to the king of Scots, in the east the castle of Norwich opened its gates to Hugh Bigod and seven hundred knights from Flanders, and what was still more alarming, in the harbour of Gravelines lay a numerous fleet ready to transport with the first favourable wind the young king and a powerful army to the opposite coast It was evident that nothing but the royal presence could save the kingdom The bishop elect of Winchester hastened to Normandy, to lay the state of affairs before the monarch, who, convinced by his reasons, sailed in the midst of a storm, and fortunately reached the coast before his son had notice of his departure [1]

There had been something solemn and mysterious in the deportment of Henry during the passage His mind was deeply affected by the rebellion of his children, the perfidy of his barons, and the general combination of the neighbouring princes against him Such things, he had persuaded himself, were not in the ordinary course of nature they could be no other than the effects of the divine wrath, which he had enkindled by his persecution of Archbishop Becket The name of that prelate had been in the preceding year enrolled by the pope in the catalogue of the saints, and every part of Europe resounded with the report of miracles wrought at his shrine Henry, to expiate his offence, secretly determined to make a pilgrimage to the tomb of the martyr On the morning of the second day he landed at Southampton, and, without waiting to repose himself from his fatigue, began his journey towards Canterbury, rode all night, with no other refreshment than bread and water, and at the dawn of the morning descried at a distance the towers of Christ-church Instantly dismounting from his horse, he put on the garb of a penitent, and walked barefoot towards the city As he passed through the gateway, the spectators observed that each footstep was marked with blood He entered the cathedral, descended into the crypt, and threw himself at the foot of the tomb while the bishop of London ascended the pulpit, and addressed the spectators The prelate conjured them to believe the assertions of a prince, who thus solemnly appealed to Heaven in proof of his innocence Henry had neither ordered nor contrived the death of the primate His only offence was a passionate expression, which had suggested to the assassins the idea of murder, and for this offence, unintentional as it was, he had now come to do penance, and to implore the forgiveness of the Almighty. At the conclusion of this address the king arose, and proceeded to the chapter-house, where the monks of the convent and a few bishops and abbots had assembled, to the number of eighty Before them the royal penitent on his knees confessed his offence, and then, resting his forehead against the tomb, received the discipline on his naked shoulders, that is, five lashes with a knotted cord from each bishop, and three from every monk. After this extraordinary humiliation he returned to the crypt, spent the night in prayer, and attended at the mass of the following morning Then with a cheerful heart he remounted his horse, and rode to London; but the want of nourishment, joined to fatigue

[1] Hoved 307, 308 Newbrig. ii 31, 32. Diceto, 574—576

of mind and body, threw him into a fever, which confined him for a few days to his chamber [1]

On the fifth night of his illness a messenger arrived at the palace, the bearer of important despatches It was in vain that the watchman at the gate and the guard at the door of the bed-chamber refused him admission; his importunities overcame their reluctance, and he announced himself to the awakened monarch as the servant of Ranulf de Glanville To the question, "Is Glanville well?" He replied, "My lord is well, and has now in his custody your enemy, the king of Scots" "Repeat those words," exclaimed Henry in a transport of joy The messenger repeated them, and was soon followed by other messengers with despatches from the archbishop of York [2] From them the king learned that the northern barons, to repress the ravages of the Scots, had assembled at Newcastle On the morning of the 12th of July they rode towards Alnwick, twenty-four miles in five hours, a considerable distance for men and horses encumbered with armour The country was covered with a thick mist, which, if it favoured their advance, at the same time concealed the position of the enemy One of the number advised a retreat, when Bernard de Baliol called out, "If all return, I will go forward Baliol shall never be reproached with cowardice." At that moment the sun dissipated the fog, the castle of Alnwick glittered before them, and on one side was seen the king of Scots loitering in a meadow with about sixty attendants, for the rest of the Scottish army had been sent on that very morning in separate divisions to plunder the country The heat of the day had caused the king to call for refreshment, he had even taken off his helmet to partake of it, when he saw the English knights burst from the cover of a wood, and advance directly upon him At first he took them for a party of his own men, but their banners soon convinced him of his mistake Mounting immediately, he struck his shield with his lance, and exclaiming, "Now let us prove who is the truest knight," rode to meet the assailants The action lasted but a few minutes A soldier thrust his lance into the bowels of the king's grey horse, which fell with the rider, and William, unable to extricate his leg from under the dying animal, was compelled to yield himself prisoner to Glanville [3] The Scottish lords immediately threw down their arms, that they might share the fate of their sovereign, and the victors with a long train of illustrious captives returned the same evening to Newcastle Henry was eager to communicate the important news to his courtiers, and at the same time exultingly remarked, that this glorious event had occurred on the very morning on which he rose repentant and reconciled from the shrine of St Thomas.[4]

The king now forgot his indisposition, and hastened to join his army But every enemy had disappeared. The multitude, which obeyed the king of Scots, melted away at the first news of his captivity, his brother David, both for his own security and the tranquillity of the kingdom, sought by unfrequented roads the borders of Scotland, and the earls of Norfolk and Ferrers, the bishop of Durham,

[1] Newbrig ii 35 Diceto, 577. Gervase, 1427 Hoved 308
This dialogue is related by Newbrigensis —Newbrig ii 25

[2] Fantosme, 82 Fantosme was present, and saw the capture of the king—a mes dous oüls le vi —Ibid

[4] Newbrig ii 36 Gervase, 1427 Hoved 308 Lord Hailes contradicts the king, and says that one of these events happened on a Thursday, and the other on a Saturday, but his own authorities prove that Henry was right

and Roger de Mowbray, purchased their pardon with the surrender of their castles In three weeks peace was universally restored, and the army which had been raised to oppose the English rebels sailed from Portsmouth to relieve the capital of Normandy [1]

Henry's unexpected appearance in England had disconcerted the plans of his foreign enemies, who now abandoning the idea of invasion by sea, bent all their efforts to the reduction of his continental dominions Louis, with the French barons, and the young king with the earl of Flanders, united their forces, and an army more numerous than any which Europe had seen since the expeditions of the crusaders, encamped under the walls of Rouen To wear out the courage and strength of the garrison by incessant assaults, the combined army was divided into three bodies, which at stated hours relieved each other, but the besieged adopted a similar arrangement, and having the command of the bridge over the Seine, and of the country on the left bank of the river, received daily supplies of men and provisions On the twentieth day of the siege Louis proclaimed an armistice in honour of the martyr St Lawrence The citizens, relying on the word of the king, allowed themselves a day of rest and enjoyment Mirth, dancing, and festivity reigned in the streets and houses, and on the plain beyond the river the young men practised the exercise of tilting, both to amuse themselves and to irritate the enemy It chanced that in the afternoon some clergymen mounted the tower of the cathedral, and through curiosity directed their eyes to the allied camp At first all was silent, soon the men-at-arms appeared marching in close order, and everything indicated an immediate and unexpected assault They rang the alarm bell, the enemy ran to scale, the citizens to defend, the walls, a bloody and obstinate conflict ensued, the besiegers were repulsed with loss, and the failure of the attempt served to emblazon the perfidy of the earl of Flanders, by whom it had been proposed, and the weakness of the king of France, who, in opposition to his own judgment, had given his consent The next morning every eye was attracted towards the bridge by the glitter of arms, and the sound of martial instruments It was the English army, marching to the relief of the city, under the conduct of Henry, who, to mark his contempt of the foe, immediately opened the northern gate, which had been built up, and threw over the ditch a broad and level road for the passage of cavalry The besiegers were now in a manner besieged A body of Welshmen, accustomed to forests and morasses, stole through the woods to the rear of the camp, and intercepted a considerable convoy of stores and provisions For two days the allies struggled against the privation of their usual supplies, on the third they burnt their engines, and commenced their retreat It was, however, in vain that the king attempted to make an impression on their rear, which was protected by the bravery of the earl of Flanders [2]

Foiled in two successive campaigns by the genius or fortune of Henry, the confederates cheerfully consented to a short armistice, preparatory to a general peace Richard alone, the king's second son, refused to be included in its provisions The rebellious youth thought himself a match for the power of his father, but the

[1] Diceto, 577 Hoved 308

[2] Newbrig ii 36 Hov. 309. Ben Ab. i 16 Diceto, 578, 579.

daily surrender of his castles and the increasing defection of his vassals subdued his obstinacy, and after a resistance of a few weeks, he threw himself at the feet of the monarch, and appealed to his paternal affection [1] Henry received him graciously, and conducted him to the place of conference, where they met his two brothers, with their patrons Louis and Philip The terms of reconciliation were easily adjusted. The three princes engaged to pay due obedience to their father, the conquests on both sides were restored, the young king received two castles in Normandy with a yearly income of fifteen thousand pounds of Angevin money, Richard two castles in Poitou, with half the revenue of that earldom, Geoffrey two castles in Bretagne, with half the rents of the estates of Earl Conan, and a promise of the remainder in the event of his marrying the daughter of that nobleman. Richard and Geoffrey did homage and swore fealty to their father, who out of respect for the royal dignity, refused to accept these proofs of feudal inferiority from his eldest son His captives, to the amount of nine hundred and sixty-nine knights, were immediately restored to liberty.[2]

From this general indulgence was excepted a prisoner of high importance, William king of Scots, to whose release Henry refused to consent on any other terms than an acknowledgment that the crown of Scotland was held as a fief of the crown of England The unfortunate monarch was confined in the strong castle of Falaise, but that he might have the aid of his council, a deputation of Scottish prelates and barons was permitted to assemble and deliberate in the small town of Valognes By their advice, and with their consent, William submitted to kneel to Henry, "to become his liege man against all men for Scotland, and for all his other lands, and to swear fealty to him as liege lord, in the same manner as his other men were accustomed to swear, and to do homage to King Henry the son, saving the faith which he owed to King Henry the father" It was moreover stipulated that, on the requisition of the king of England, the Scottish clergy and nobility should also do homage, take an oath of allegiance, and swear that if William ever broke his engagements, they would stand with Henry as their liege lord against the king of Scotland, and all other enemies, that as securities, the five castles of Roxburgh, Berwick, Jedburgh, Edinburgh, and Stirling, should be intrusted to English garrisons, and that in the interval William's brother and twenty barons should remain hostages in the custody of Henry, to be exchanged for others, their nearest relatives, as soon as the delivery of the fortresses should be completed The Scottish king was immediately set at liberty, and the next year the treaty was solemnly ratified at York in the presence of the estates of both kingdoms [3]

The young Henry had carefully remarked the difference between the

[1] Hoved 309

[2] Rymer, 1 37 Hoved 309 Diceto, 582, 583

[3] Rym 1 39, 40 Bened Abb 113—8 This was not the first time that William had done homage At the coronation of the young Henry he had been compelled to do homage and swear fealty to him against all men, saving his father and afterwards, on the summons of Henry, he attended with a deputation of Scottish prelates and lords, and carried into execution the judgment of the king's court, in the case of Roland, the son of Uchtred —Bened Abb 447 According to the treaty of Valognes, the Scottish church was to pay due obedience to that of England, but when this was demanded by the archbishop of York, it was answered that none was due, and the answer, after a long controversy, was confirmed by Pope Clement III. in 1188.—Hoved 371.

behaviour of his father to him and to his two brothers *His* homage had been refused, while *theirs* was accepted, and this circumstance, as it taught him to mistrust the sincerity of the reconciliation, agitated his mind with the most alarming suspicions. When the king prepared to return to England, *he* resolved to remain in Normandy, and to a peremptory order to accompany his father, he returned as peremptory a refusal Another war would have been the result, had he not, at the earnest solicitation of his friends, visited Henry at Bure, near Caen and on his knees conjured his father to accept of his homage The request was granted, and the prince, who mistrusted the natural affection of a parent for his child, reposed without fear on the artificial tie with which custom bound the lord to his vassal The two kings sailed to England together, and for several weeks, to convince the nation of their mutual confidence, ate daily at the same table, and slept every night in the same bed [1]

Triumphant over his enemies, and at peace with his children, Henry was at last permitted to enjoy a few years of repose He did not, however, waste his time in idleness, but devoted his attention to two very important objects, the investigation of the conduct of his officers, and the reform of the internal polity of his dominions That the reader may appreciate his views, and trace their influence on our present institutions, it will be necessary to describe the manner in which justice had been hitherto administered, and to point out the alterations which were introduced partly by the wisdom, and partly by the avarice of the king

I The reader has seen that the Norman conquest, though it might modify, did not abolish the judicial polity of the Anglo-Saxons Its leading features were distinctly retained, and the courts of the manor, the hundred, and the county, still continued to exercise their ancient powers Of these tribunals, some were invested with criminal jurisdiction, all were competent to decide the civil controversies of the individuals who owed them suit and service, and who, in reality, formed the great mass of the population Their authority, however, as it was supposed to be in the first instance derived from the crown, was occasionally limited or invaded by the royal prerogative The king, on the payment of a discretionary fine, was accustomed to withdraw any particular cause from the cognizance of these to that of his own courts, he received and heard the appeals of persons who deemed themselves aggrieved by their decisions he occasionally instituted inquiries into the manner in which they administered justice, and in cases of delinquency imposed heavy amercements on the judges themselves, or on the lords in whose courts they presided [2] Of such inquiries Henry himself has furnished us with a remarkable, and, in the result, a ludicrous instance In the year 1170, after a long absence on the continent, he returned to England, held a great council, and issued commissions to several abbots and knights, to visit the different counties, and investigate the conduct of all the inferior magistrates for the last four years,—what sums of money had come into their hands, and from what sources such moneys were derived, what fines they had received from culprits, what offenders they had suffered to escape unpunished, and in what manner they had disposed of the chattels of felons. The commissioners were authorized

[1] Diceto, 585, 586 Ben. Abb ad an 1175

[2] See Glanville, viii. 9. Hale, Hist of Common Law, c vii, and Madox, c xiv. and the Great Roll of the Pipe, p

to call witnesses, and examine them upon oath, and to require security from the accused that they would appear before the king on a certain day, and submit to his judgment On the fourteenth of June all the prelates, earls, barons, sheriffs, and lords of courts, with their judges, bailiffs, and officers, were in attendance The sheriffs and others, holding situations under the crown, were first displaced, and then, on the payment of fines, restored to their offices, the rest after a short suspense, were relieved from their anxiety, and as soon as they had consented to the coronation of the young Henry, and sworn fealty to him, were dismissed to their homes without charge or molestation [1]

II. The highest tribunal in the kingdom was called "the king's court," the assessors of which were the prelates, earls, barons, and principal officers of his household Here the tenants in chief of the crown were tried by their peers The monarch himself presided, unless he were a party, in which case he appointed a president, and frequently assumed the office of prosecutor. It was, occasionally at least, a most iniquitous tribunal, the instrument of legal oppression in the hands of a vindictive sovereign The numerous obligations and intricate polity of the feudal system furnished at all times a supply of charges against an obnoxious baron or prelate and it was very seldom that any peer dared to incur the royal displeasure by standing up in the defence of innocence The victim was generally condemned in the forfeiture of his goods and chattels As he was then "at the king's mercy," the efforts of his friends were employed to obtain from the monarch a diminution of the fine, which he was expected to accept as a compromise Still, as we have seen in the prosecution of archbishop Anselm under William Rufus, and that of archbishop Becket in the present reign, it remained in the power of the king to multiply his charges, and thus, by adding fine to fine, eventually to crush the object of his resentment

It was, however, at certain periods only that the "king's court" could be held in its full splendour, attended by all its suitors At other times its judges consisted of the chief justiciary, the chancellor, and the treasurer, ministers whose continuance in office depended on the royal will, of the constable, chamberlain, mareschal, and steward, who held their respective dignities by hereditary right, [2] and of certain among the royal chaplains and clerks learned in the law, who were appointed by the monarch, and styled his justices This tribunal possessed all those different powers which have since been distributed among the three courts of the King's Bench, the Common Pleas, and the Exchequer, but at what period this distribution ac-

[1] Gervase, 1410—1412 Hoved 296

[2] 1 The chief justiciary was the first officer in the kingdom He presided in the council, was regent in the king's absence, and united in himself all the powers attendant on the functions of chief judge 2 The office of chancellor has been already noticed 3 The treasurer attested the writs issued for levying the revenue, and supervised the receipts and issues of the Exchequer —Madox, 1, 2.

The constable and mareschal had military commands, arranged the army, and inquired whether each military tenant had furnished the requisite number of men (Rym II 783), besides which, the constable took cognizance of contracts of feats of arms out of the realm (Stat 13 Rich II), witnessed the same papers as the treasurer, examined at the Exchequer the accounts of the hired troops, and received as his fee twopence in the pound out of their pay (Dial de Scac 1 10 Rym II 161) The mareschal watched over the security of the king's person in the palace, distributed lodgings to his followers, preserved peace in the royal household, and gave certificates to the barons that they had performed their contracts for military service (Ibid) The chamberlain and steward performed almost the same offices as belong to the lord chamberlain at present.

tually took place it is now difficult to ascertain The court of Exchequer is certainly the most ancient, and was originally of the highest importance It examined the accounts of the sheriffs, and of all the king's officers, regulated the royal revenue, tried the pleas of the crown, and imposed fines on the tenants in chief for neglect of service, and the non-payment of aids, scutages, and amercements It was at first fixed at Winchester, but for convenience was often removed to London to be nearer to the king's person [1] The necessity, however, of detecting and punishing the frauds committed against the revenue at a distance from the court suggested the idea of "barons errant," or "itinerant justices" They had been occasionally employed in former reigns,[2] in the present they acquired a more permanent establishment In his twenty-second year the king assembled a great council at Northampton, and divided the kingdom into six districts, to each of which he assigned three perambulatory judges These districts nearly coincide with the circuits of the present day,[3] and it is chiefly to the wisdom of Henry that we owe an institution, the benefits of which are annually experienced by the country Yet if we were to attribute it to a love of justice alone, we should allot to him a higher praise than he really deserves It is evident from the instructions delivered to the judges that his first and principal object was his own emolument They were authorized and directed to look after the king's interest to the best of their power,[4]—to hold pleas of the crown, provided the value did not exceed half a knight's fee—to try malefactors of all descriptions—to receive the oath of fealty to the king from all earls, barons, knights, freemen, and villeins, to inquire what wards were or ought to be in the guardianship of the king, their sex and quality, the present possessors, and the value of their estates—what females were or ought to be at the disposal of the crown, whether they were married or not, and if married, to whom, by whose permission, and what was the rental of their property[5]—what churches were in the gift of the crown, their situation and annual value, who were the incumbents, and by whom they were presented—what lands had lapsed to the crown, who held them, what was their value, what their tenure—what encroachments had been made on the royal forests or demesnes—who had violated the statutes respecting weights and measures—what sheriffs and bailiffs had received fines of defaulters—what was become of the chattels of Christian, or of the chattels, pledges, debts, and deeds of Jewish usurers after their death[6]—and lastly, to inquire into the state of the coin-

[1] The order of precedency in the Exchequer was, 1 the chief justiciary, 2 the chancellor, 3 the constable, 4 the chamberlain, 5 the mareschal —Dial de Scac 1 8 These were the magni, quibus inconsultis, nil magnum fieri debebat —Rym ii 161

[2] In the 18th of Hen I and 12th, 13th, 15th, and 17th of Henry II —See Madox, 98—102

[3] The chief difference lies in the Home circuit, which formerly comprised Kent Surrey, Sussex, Hampshire, Berkshire, and Oxfordshire, but has now lost the three latter, and received in their place Hertford and Essex, originally belonging to the Norfolk circuit —Hoved 313 Bened Abb i 236 Diceto, 588

[4] Intendant pro posse suo ad commodum regis faciendum —Hoved 314

[5] Sometimes the king extorted fines for marriage from the parents of both parties Thus Adam Fitz-Norman paid 18*l* 6*s* 8*d*. that his daughter might marry the son of William Lecley, and William Lecley paid 22*l* 8*s* that his son might marry the daughter of Adam Fitz-Norman —Rolls of 31st Henry II Rot 5, *a*

[6] A living usurer might repent, and therefore did not forfeit his property, but the goods and chattels of the dead were forfeited to the king, his lands to his lord —Glanville, vii 16 But the severity of this law was afterwards relaxed in favour of the Jews John in his charter, anno 2, says et cum Judæus obierit, non detineatur

age, the clipping of the coin, the exchange, burglaries, outlawries, the removal of markets without licence, the introduction of new customs, and taking of bribes to exempt tenants from provisioning the royal castles.[1] I have mentioned all these different articles, because there is hardly one which had not for its object to draw money into the exchequer

Besides these courts there were others which had been established for the trial and punishment of one particular species of offence, and which at all times were objects of general execration The reader must have observed that the chase formed the principal amusement of our Norman kings, who for that purpose retained in their possession forests in every part of the kingdom, and seemed to watch with greater solicitude over the preservation of their deer, than over the lives of their subjects The royal forests had their own officers and magistrates, they were governed by a peculiar code of laws; and their immunities were jealously maintained in the court of the chief forester, a bloody tribunal, in which the slightest offence was punished with the loss of eyes or members. Henry at his accession, whether it were through humanity or avarice, had abolished the barbarous enactments of his predecessors, and substituted the penalties of fine and imprisonment On one occasion his ingenuity contrived to draw considerable profit from this improvement During the civil war between him and his sons, the royal authority in England had been despised, first the insurgents, and afterwards the royalists, hunted in the king's forests with impunity, and the justiciary thought it more prudent to connive at the destruction of the deer, than to alienate by untimely severity the best friends of his master It was even said that Henry had by a general order thrown open the forests to all who should take up arms in his favour As soon, however, as peace was restored, he appointed itinerant justices to inquire into all offences against the laws of the forest Before them were summoned both laity and clergy, men of the highest as well as the lowest rank, and were compelled upon oath to discover every delinquent whose name had come to their knowledge, whether they had been eye-witnesses of the offence, or had only learned it by hearsay from others Prosecutions were immediately commenced, multitudes convicted, and the royal coffers replenished by these violent and ungracious proceedings.[2]

Occasionally, to hold pleas of the forest, the chief justice made his circuit attended by his assessors But on the death of Thomas Fitz-Bernard, the master forester, Henry took occasion to abolish that office, and in place of the milder punishments, which had been introduced by himself, revived the sanguinary inflictions of former reigns At the same time he divided the royal forest into several districts, in each of which he appointed two clergymen and two knights as judges, and two gentlemen of the household, with the titles of keepers and verderers These officers were bound upon oath not to accept of fines from delinquents, but to inflict bodily punishment without any mitigation, to prevent the proprietors of timber within the forest from cutting it down to waste; and to allow no inhabitant

corpus suum super terra, sed habeat hæres suus pecuniam suam et debita sua —Madox, 174, note

[1] Compare Hoveden, 314, with Bracton de Leg Ang lib ii c 1

[2] Hoved 311. Bened. Abbas, i 112 Diceto, 587 These fines were occasionally very high In Henry's twelfth year the bishop of Salisbury paid 75*l* 7*s*, and in his twenty-second, Adam de Brus paid 100*l* for having taken a roe buck —Vid Exchequer Rolls, apud Madox, c xiv.

to keep bows, dogs, or greyhounds, without a royal warrant[1] Hence, if the reader consider the number and extent of the forests, and the many hamlets and lordships comprised within their precincts, he may form an estimate of the vexatious prosecutions, and barbarous mutilations, of which the forest laws were productive But the despot sought only his own amusement, he despised the murmurs and sufferings of his people[2]

Neither was it only from pleas of the crown or of the forest that the king derived profit, even common pleas between subject and subject brought a plentiful harvest to the exchequer Whether an action was commenced or discontinued, hastened or retarded, terminated or carried before a higher tribunal, the monarch at each step required a present or fine from one or both of the parties Before the pleadings began, it was always necessary to pay a sum of money to the treasurer, and frequently to enter into a bond to double the amount in the event of a favourable judgment In actions for debt the plaintiff was compelled to promise a portion of such sum or sums as he might chance to recover, and this portion was fixed by a preliminary negotiation, often at one-half, seldom at less than one-fifth of the whole demand It was universally understood that money possessed greater influence than justice in the royal courts, and instances are on record, in which one party has made the king a present to accelerate, and the other, by a more valuable offer, has succeeded in retarding the decision If the defendant was opulent, he could easily defeat the just claim of an indigent plaintiff, unless the latter obtained the aid of powerful friends By paying a large fine, the rich man might purchase a writ forbidding him to answer at all, or he might obtain a charter exempting him from the jurisdiction of all other magistrates, and permitting him to plead before no one but the king in person[3] Then came adjournment after adjournment, for the king was often occupied with more important business, or called away to the care of his transmarine dominions, and thus the suit might be protracted from year to year, not only to the disappointment, but to the ruin of the less opulent party, who had often to attend, perhaps a score times, with his counsel and witnesses, before judgment was pronounced[4] That such practices were incompatible with the equal administration of justice, is most evident, yet the writers of the age do not mention them in terms of reprobation They had prevailed to a certain extent under the Anglo-Saxon princes, and men seem to have been reconciled to the iniquity of the thing, on account of its antiquity. But besides the fines paid to the sovereign, the judges often exacted presents for themselves, and loud complaints existed against their venality and injustice Henry, who did not admire in others that love of money which he cherished in his own breast, laboured to remedy this abuse All the itinerant judges, within three years after their appointment, were removed, with the sole exception of Ranulf de Glanville, who, at the head of five others, was now commissioned to administer justice in the counties north of the Trent The rest of the kingdom was divided into three por-

[1] Bened Abb ii. 417.

[2] Pet Bles Ep 95

[3] Fines of all these different descriptions are to be found annually in the rolls of the Exchequer —Apud Madox, passim When a fine amounted to 500 marks, an additional mark of gold was due to the queen.—Dial de Scac ii 26

[4] See an amusing account of the attendance and expenses of Richard de Anesty in 1156, published by Sir Francis Palgrave, ii. lxxxiv

tions, the powers formerly possessed by the chief justiciary were conferred on the bishops of Winchester, Norwich, and Ely, and one of these, with four assessors, was appointed to hold pleas in each of the three districts [1] The king's motive for the selection of these prelates was the reliance which he placed on their integrity and honour; but as soon as the pontiff heard of their appointment, he wrote to Richard, archbishop of Canterbury, observing that it was the duty of pastors to feed their flock with the doctrine of the gospel, not to act the part of secular magistrates, and commanding him to recall the bishops from the courts in which they presided, to the care of the dioceses for which they had been ordained The primate in his answer did not deny the prohibition of the canons, but he endeavoured to justify the innovation from its great utility both to the church and to the people [2] It would seem, however, that the objections of Alexander prevailed In August the three prelates, having made to the king a report of their proceedings, resigned their offices, and the appointment of chief justiciary was given to Ranulf de Glanville That celebrated lawyer, in the preface to his work, assures us that there was not now in the king's court a judge who dared to swerve from the path of justice, or to pronounce an opinion inconsistent with truth, and yet, if we believe the story, told by a contemporary, of Gilbert de Plumpton, we may doubt whether the character of Glanville himself was perfectly immaculate. Plumpton, a knight of noble descent, had married a lady, whom with her fortune the justiciary had previously promised to Rainer, his sheriff of Yorkshire To effect his purpose it now became necessary to dispose of her husband, the unfortunate man was suddenly apprehended on a charge of felony, and the king, at the representation of Glanville, condemned him to suffer death His innocence, however, was so manifest, that the bishop of Worcester accompanied him to the gallows, and ventured to forbid the execution His life was spared till Henry could be consulted The result was, that Plumpton was remanded to prison, where he remained till the accession of the next sovereign [3]

III. The ancient custom of appealing in criminal cases to the judgment of God was still retained, but to the ordeals of fire and water employed by the Saxons, the Normans, as was observed in the reign of William I, had superadded the trial by wager of battle Wherever the itinerant judges had pleas, they summoned four knights of the hundred to appear before them, and to choose twelve other knights, or, in the absence of such, twelve other free and lawful men, to form a sufficient jury The duty of the jury may be collected from their oath They were sworn to answer truly to all questions which should be put to them from the bench, and to perform faithfully every command which they should receive from the judges in the king's name [4] They were then ordered to present at the bar all persons within the hundred being under suspicion of having committed murders, felonies, forgeries, or breaches of the king's peace On their unanimous presentment, the accused was arraigned before the judges, and, if he pleaded not guilty, and had not been taken in the fact, or with the thing stolen in his possession, was sent by them to the ordeal by water. In case of conviction by this trial, sentence was immediately pronounced, and the prisoner was condemned, according to

[1] Diceto, 606 Hoved. 337.
[2] Pet Bles Ep 84.
[3] Hoved 355
[4] Bracton, iii. c 1. Glanville, ii 10, 11.

the nature of his offence, to suffer, either death, or the confiscation of his property, with the amputation of a foot and a hand, and banishment for life[1] I shall relate one instance of conviction by the water ordeal, as it will also show the disturbed state of the metropolis at this period It had long been customary for the young men, the sons and relatives of the more wealthy citizens, to assemble in great numbers after sunset, to scour the streets in quest of adventures, and to divert themselves by exciting the terrors of the peaceable inhabitants By degrees they proceeded to acts of violence, occasionally of robbery and murder In the year one thousand one hundred and seventy-four, a numerous band of these youthful depredators burst into the house of a citizen, who had armed his family to receive them The assailants were put to flight but their leader, Andrew Buquinte, who had lost a hand in the fray, remained a captive In the hope of pardon this man impeached his accomplices, among whom was John Senex, one of the most opulent and "noble" citizens It was in vain that Senex denied the charge, and appealed to the judgment of God, he was convicted by the water ordeal, and condemned by the chief justiciary to be hanged. He had, however, sufficient influence to suspend the execution of the sentence till the arrival of the king, and then to an indefinite period Unfortunately for him, about three years later, the brother of the Earl Ferrers was slain in a similar fray, and the king, unable to discover the murderers, issued his warrant for the immediate execution of Senex Though five hundred marks were offered for his life, they were refused, and his fate, an awful warning to his former associates, restored the peace of the city[2]

It would be a mistake to suppose that acquittal by the ordeal fully established the innocence of the accused His life, and limbs, and personal property, were indeed secure, but it was still true that he had been presented as guilty by the unanimous voice of the jury, and it was deemed wise to take precautions against him, as at best a suspicious character If the offence with which he had been charged were only a misdemeanour, he was enlarged on finding sureties for his future conduct, but if it were of a more serious nature, he was compelled to leave the kingdom He might, however, take with him his personal property, and hope from the royal indulgence the permission to return at some distant period.[3]

Such appear to have been the proceedings on presentment by jury, but it frequently happened that the prisoner was brought to his trial, charged only by the voice of public fame, or at the prosecution of a private individual[4] If the charge rested on common report, the judges, by inquest and interrogations, endeavoured to ascertain its truth If a prosecutor appeared, before he could put in his charge, it was necessary, in cases of murder, that he should prove himself to be of the blood of the deceased, in cases of homicide, that he was allied to the slain as a relation, or vassal, or lord, and could speak of the death on the testimony of his own senses. The accused might then plead not guilty, and, at his option, throw down his glove, and declare his

[1] Bened Abb i 136 Hoved 313 There is no mention of compurgation in the assize, which omission was equivalent to an abolition of the custom in trials before the judges, but it was retained in some of the borough courts Sir Francis Palgrave has given an instance of it at Winchelsea as late as the 19th of Henry VI (vol ii p cxvi).

[2] Bened. Abb 196, 197 Hoved 323.

[3] Bened Abb 136 Hoved. 313

[4] Murder now meant the violent but secret death of a freeman, when the death took place before witnesses, it was termed homicide.

readiness to defend his innocence with his body If the appellant took up the glove, and professed himself willing to prove the charge in the same manner, the judges, unless the guilt or innocence of the accused were evident, proceeded to award a trial by battle. The appellee, with the book of the gospels in his right hand, and the right hand of his adversary in his left, took the following oath "Hear me, thou, whom I hold by the hand I am not guilty of the felony with which thou hast charged me So help me God and his saints And this will I defend with my body against thee, as this court shall award" Then exchanging hands, and taking the book, the appellant swore "Hear me, thou, whom I hold by the hand Thou art perjured, because thou art guilty So help me God and his saints And this will I prove against thee with my body, as this court shall award" On the day appointed by the court the two combatants were led to battle Each had his head, arms, and legs bare, was protected by a square target of leather, and employed as a weapon a wooden stave one ell in length, and turned at the end If the appellee was unwilling to fight, or in the course of the day was unable to continue the combat, he was immediately hanged, or condemned to forfeit his property, and lose his members If he slew the appellant, or forced him to call out "craven," or protracted the fight till the appearance of the stars in the evening, he was acquitted. Nor did his recreant adversary escape punishment If he survived the combat, he was fined sixty shillings, was declared infamous, and stripped of all the privileges of a freeman [1]

In the court of chivalry the proceedings were different When the cause could not be decided on the evidence of witnesses or the authority of documents, the constable and mareschal required pledges from the two parties, and appointed the time of battle, the place, and the weapons, a long sword, a short sword, and a dagger, but allowed the combatants to provide themselves with defensive armour according to their own choice A spot of dry and even ground, sixty paces in length, and forty in breadth, was enclosed with stakes seven feet high, around which were placed the serjeants at arms, with other officers, to keep silence and order among the spectators The combatants entered at opposite gates, the appellant at the east, the defendant at the west end of the lists, and each severally swore that his former allegations and answers were true, that he had no weapons but those allotted by the court, that he wore no charms about him, and that he placed his whole confidence in God, in the goodness of his cause, and in his own prowess. Then taking each other by the hand, the appellant swore that he would do his best to slay his adversary, or compel him to acknowledge his guilt, the defendant, that he would exert all his powers to prove his own innocence When they had been separately conducted to the gates at which they entered, the constable, sitting at the foot of the throne, exclaimed thrice, "Let them go," adding to the third exclamation, "and do their duty" The battle immediately began, if the king interposed, and took the quarrel into his own hands, the combatants were separated by the officers with their wands, and then led by the constable and mareschal to one of the gates, through which they were care-

[1] Glanville, xiv 1 Bract. iii 18 Spelm Arch 103 If the appellee was sixty years of age, or had been wounded in the head, or had had a limb broken, he was at liberty, if he preferred it, to go to the ordeal, of hot water if he was a freeman, of water if he was a villein.—Glan xiv. 1

ful to pass at the same moment, as it was deemed a disgrace to be the first to leave the place of combat. If either party was killed or cried "craven," he was stripped of his armour on the spot where he lay, was dragged by horses out of the lists through a passage opened in one of the angles, and was immediately hanged or beheaded in the presence of the mareschal [1]

Trial by battle was not only awarded in criminal prosecutions, but also in cases where issue was joined on a writ of right, or where the tenant denied that he owed the services claimed by his lord, or the seller that he had warranted the article bought, or the debtor that he had borrowed money on promise, security, or mortgage In all such actions it was at the option of the defendant to fight in person, or to produce a lawful champion the demandant was excluded from the lists, and compelled to intrust the defence of his claim to the prowess of a freeman who would swear of his own knowledge to the right of his principal.[2] But here the king made a most important, and beneficial improvement, by allowing trial by grand assize to supersede the doubtful trial by battle The defendant might solicit a writ to stop the process by duel, on which the demandant, if he meant to prosecute his claim, was compelled to obtain a writ to proceed by grand assize The sheriff in consequence empannelled a jury, after the manner which has been already described They were sworn to judge of the matter in dispute from their own knowledge, or the report of persons whose testimony they would believe no less than that of their own senses, and a unanimous verdict was obtained by discharging those who pleaded ignorance of the subject, and by substituting others better informed in their place The superior equity of this mode of decision was universally admitted, and its adoption gradually prepared the way for the introduction of similar innovations in the other departments of public justice [3]

Henry never exercised his judicial duties with greater splendour, than in the important cause between Alphonso, king of Castile, and his uncle, Sancho, king of Navarre After a long and ruinous contest, these princes agreed to refer their dispute to the equity of the king of England, and bound themselves under a severe penalty to submit to his decision. Henry held his court at Westminster, attended by the English and Norman prelates, earls, barons, and justices The bishop of Palentia appeared on the part of Alphonso, the bishop of Pampeluna on that of Sancho But as the judges were ignorant of the language of the advocates, the pleadings were committed to writing, and translated by the aid of interpreters, and after three days, the king, having previously taken the opinion of the court, solemnly pronounced his award, that each prince should restore the lands and castles claimed by the other, and that Alphonso should pay to his uncle in the next ten years thirty thousand maravedies, by equal instalments The ambassadors accepted the judgment, and swore that if their respective sovereigns refused to execute it, they would return and surrender themselves prisoners into the hands of the king [4]

I shall here mention, on account of

[1] See a treatise on this subject by Thomas of Woodstock, duke of Gloucester, preserved by Spelman, Archæol 100

[2] Glanville, ii 3 The champion was named in open court It was a sufficient cause of exception against him, to prove that he had been hired for a reward

[3] Glanville, ii 7, 8, 9, 11, 17 He calls it regale beneficium clementia principis de consilio procerum populis indultum (ii 17)

[4] Rymer, i 45—50 Hoved 320, 322. Hiber Expug ii 30.

its connection with the administration of justice, an occurrence which happened at a more early period In 1166, a colony of foreigners, to the amount of thirty of both sexes, landed in England, under the guidance of a teacher named Gerard. They belonged to a numerous sect of fanatics who infested the north of Italy and the neighbouring provinces of Gaul and Germany, and who were called Cathari, or "the pure," because they taught that the use of marriage was incompatible with salvation They had come to disseminate their doctrine in England, but their success was confined to the acquisition of one female proselyte The case was without precedent, and the king, after much deliberation, ordered them to be apprehended, and arraigned before a synod of bishops, at which he assisted in person To the questions put to them, they replied that they were Christians, that they professed the doctrine of the apostles, and believed the divinity of Christ, but at the same time they rejected baptism, the eucharist, and marriage When arguments were employed to convince them, they merely replied, that it was their duty to believe, not to dispute, and to the threat of punishment, they opposed the words of the gospel, "Blessed are they which are persecuted for righteousness' sake." Wearied out by their obstinacy, the synod pronounced them heretics, and transferred them to the secular power The English woman, who does not seem to have been ambitious of the crown of martyrdom, eagerly recanted, the foreigners, by order of the king, were branded in the forehead, stripped to the waist, and whipped out of the city One writer informs us that they all perished in the fields, in consequence of a proclamation forbidding any one to hold intercourse with them, but the dean of St. Paul's, who probably attended the synod, and two other contemporaries, assert that after suffering their punishment they were conducted out of the realm [1]

The eyes of all the European nations were directed at this period to the disastrous condition of the Christians in Palestine The throne of Jerusalem, which the Crusaders had raised and supported at the expense of so much blood and treasure, was tottering on its basis, and the king, Baldwin IV, a minor and a leper, was no match for the talents and power of Saladin, who by successive conquests annually contracted the limits of the strangers, and threatened to eradicate them in a few years from the soil of Asia. Henry, in the presence of the papal legates, had solemnly sworn to visit the Holy Land. Whether he intended to perform this vow, is uncertain, but the danger of exposing his dominions to the inroads of a powerful neighbour furnished him with a decent plea for deferring its execution Louis, however, made the proposal to accompany him in the expedition The objection could be no longer urged, a day was fixed for their departure, and the two princes swore, Henry, that he would assist his lord the king of France, Louis, that he would assist his faithful vassal the king of England, against all men This plan was defeated by the subsequent illness and death of Louis, and Henry, though he affected to be constantly occupied with the project, allowed year after year to pass, without finding an opportunity of putting it in execution At last his sincerity was probed

[1] Newbrig ii 13 Expulsos a regno — Diceto, 539 In frontibus sunt signati et effugati — Rad Coggesh cit Picard in not ad Newbrig p 721 These fanatics under different names spread themselves through Gaul Ubique exquirebantur et perimebantur, maxime a Philippo comite Flandrensium, qui justa crudelitate eos immisericorditer puniebat — Ibid. The usual punishment was burning; but Henry forbade it in his continental dominions.—Hov 352

by the arrival of the patriarch of Jerusalem, and the grand master of the Knights Hospitallers, with letters from Queen Sybilla, and the earl of Tripoli, the regent. They cast themselves at the feet of the king, solicited his powerful aid, and delivered to him, as the representative of Fulk of Anjou, whose descendants had swayed the sceptre for the last fifty years, the royal banner, with the keys of the city, of the principal forts, and of the holy sepulchre. Henry returned them with expressions of pity, but requested the ambassadors to wait till he had received the advice of his council. He summoned the prelates and barons of England, the king, prelates, and barons of Scotland, to meet him at Westminster, and, after engaging to abide by their counsel, artfully put to them the following question: was it better for him to remain at home, and govern the nations which providence had intrusted to his care, or to proceed to the East, to defend the Christians of Palestine against their infidel neighbours? The answer was what he had undoubtedly anticipated, and, to the disappointment of the envoys, the king, in lieu of his personal services, promised a subsidy of fifty thousand marks[1].

But on the twenty-ninth of September, 1187, ninety-six years after its reduction by the first Crusaders, Jerusalem was again surrendered into the hands of the Mussulmen. The news of this mournful event plunged the Christian world into the deepest consternation. The aged pontiff died of a broken heart. William king of Sicily wore sackcloth for four days, and vowed to take the cross, the other princes condemned their insolence, and the avarice which had prompted them to prefer their own petty interest before that which they deemed the common cause of the Christian religion[2]. Henry met Philip, the new king of France, in a plain between Gisors and Trie, where the archbishop of Tyre (a port which still bade defiance to the power of Saladin) exhorted them to rescue the holy city from the pollution of the infidels, and the two kings, the earls of Flanders and Champagne, and a great number of barons and knights, received the cross. Thence the king hastened to England, and held a great council at Geddington, in Northamptonshire, in which it was enacted, that every man, who did not join the crusade, should pay towards the expense of the expedition one-tenth of his goods, chattels, and rents for that year. The lords of manors, who intended to accompany the king, were permitted to receive for their own use the assessments of their vassals, those of all others were to be paid into the exchequer. The sum obtained by Henry was seventy thousand pounds, to which must be added, sixty thousand more, extorted from the Jews, at the rate of one-fourth of their personal property[3]. At the same time, he wrote to the emperors of Germany and Constantinople, and to Bela, king of Hungary, announcing his design, and requesting a safe passage through their dominions, with the liberty of a free market. From all he received favourable answers, and there can be little doubt that he would have undertaken the expedition, had he not been involved in hostilities with the king of France, by the turbulence of his son Richard, and had not his pacification

[1] Rym. i. 50. Ben. Abb. ii. 429. Hoved. 325, 358. Diceto, 626.

[2] But it was not merely religious feeling which animated the Crusaders. Many were alarmed for their own safety. Jam, says Peter of Blois, circa confinia terræ nostræ barbaries efferata desævit, et in exterminium Christiani nominis gentium grassatur immanitas.—Bles. ep. 112.

[3] Gervase, 1522, 1529. Hoved. 366.