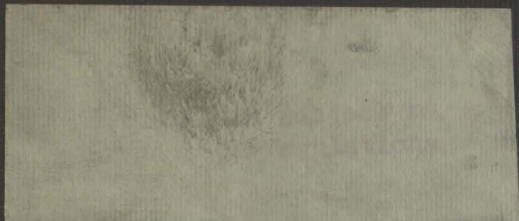
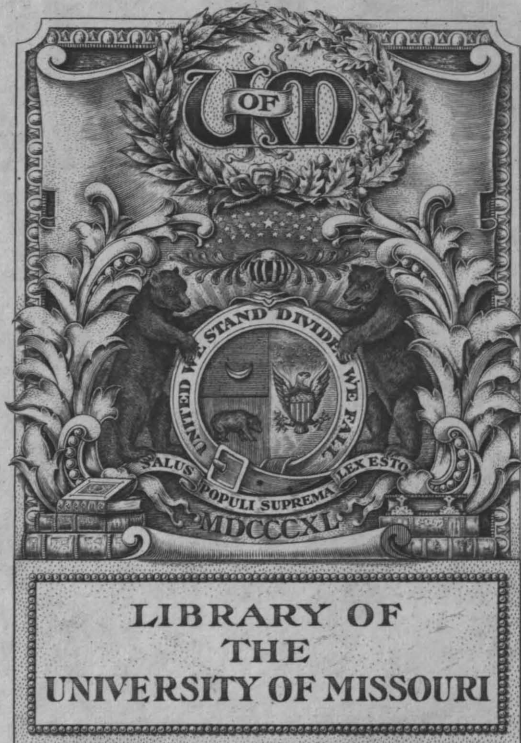


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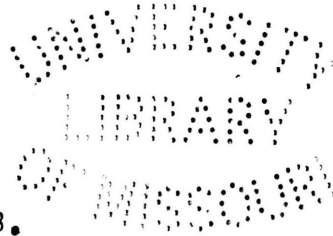
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THE NORMAN-ENGLISH BARONAGE AS A FACTOR IN
ENGLISH POLITICAL AND GOVERNMENTAL
DEVELOPMENT

1066-1205

by

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SUBMITTED IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS

in the

GRADUATE DEPARTMENT
(COLLEGE OF ARTS AND SCIENCE)

of the

UNIVERSITY OF MISSOURI

1909.

Approved by:
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PREFACE.

The purpose of this thesis is to study the history of the English baronage as a factor in early English History - special emphasis being given to their political and governmental development from the Norman Conquest to the loss of Normandy.

The sources of information for this study have been the standard secondary authorities - the most valuable being - Freeman, Stubbs, Adams, Ramsay, and Round, all of whom have given much attention to this period of English History. These authorities have made special study of the sources, and throughout quote frequently from them. As this thesis does not claim to be a work of original research, but rather a study of a problem of political and institutional development, a close study of original sources has not been deemed necessary.

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INTRODUCTION.

The term "baronage" is used in referring to the privileged and aristocratic class of English society, which represents one of the four influential divisions of the people in England, namely, the crown, the people (common people), the church, the barons.

The word "baron" first occurs in England after the Norman Conquest.¹ The baronage under William I. referred to all who held lands directly of him, provided they held it by military service. The barons who became powerful in political activities were those who had knights holding under them, and not the simple knight who held only his own small estates.

The political history of the barons may be divided into three periods:² (1) The feudal baronage whose policy was to weaken central authority and whose habits were those of Normans. This study will endeavor to show how the dispersed character of the barons' estates, the active resistance of the Anglo-Saxon spirit, and the

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1. Pike, Constitutional History of the House of Lords. 87.
 2. Low and Pulling, Dictionary of English History. 131.
Article by Arthur L. Smith.

strength of the Norman king made the feudal baronage of England less formidable than it was on the Continent. (2) As feudalism declined a new baronage arose. This class had its beginnings in the new families of the ministers rewarded by Henry I. and Henry II. out of which came a national baronage, which wrested from John the Magna Carta, defeated Henry III's scheme of personal government, and finally obtained from Edward I. the results of the struggles of many generations. (3) As the great fiefs began to come into the possession of the crown, we have the rise of the new royal baronage of the fourteenth century. Thus the national baronage gave way to a baronage whose aim was dynastic partisanship and family aggrandizement. The history of the barons can then be traced through a study of the House of Lords, which house represents the aristocratic class of English society.

As this study treats of the baronage to 1205, but one phase of its development will be traced, namely, the influence of the feudal baronage, although some attention will be given to the transition from the feudal to the national baronage during the later twelfth and early thirteenth centuries.

Chapter I.

ORIGIN OF THE BARONAGE AND THE BARONIAL PROBLEMS UNDER WILLIAM I.

From the first of the free population of the early English community seems to have been roughly divided into two classes--the ceorl or the freeman, and the eorl or the noble.¹ The eorl was not an hereditary rank,² but was a personal office or relation due to wealth³ or hereditary respect and influence.⁴

The rise of the kingship was followed by a decline in eorlship and the appearance of a nobility of service. Personal service to the king was considered not degrading but ennobling.⁵ The king's comitatus,

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1. Freeman, Norman Conquest, I., 82. "The difference of the eorl and the ceorl is the primary fact from which we start; it is as old as the earliest notices of Teutonic institutions."
 2. Anglo-Saxon Chronicle (translation) 37. "Kings are to appoint earls and aldermen, shire-reeves and judges."
 3. Traill, Social England, I., 309. "Affluence was more regarded than noble birth."
 4. Freeman, Norman Conquest, I., 83-84. In comparison of ceorl and eorl he says, "We may see what is essentially the same thing in the position of old country families, holding no legal advantages above their fellows, but which still enjoy an hereditary respect and preference at their hands. The eorl and the ceorl in fact answer pretty nearly to the esquire and the yeoman."
 5. Ib. 87. "The service of the King or other great lord conferred dignity even on the freeman."

which was, perhaps, in the main made up of the old nobility, formed the nucleus of the new privileged order. Thus we had the Anglo-Saxon king surrounded by a chosen war band of companions, or "thegns" as they were styled. This distinction rested entirely on service done the king and not on hereditary rank. These soon lost their militant nature and developed into a landed aristocracy.¹ The wealth of the thegn increased as the common folk-land passed into the king's possession and was granted out by him in estates to his dependents.

The Danish incursions forced the freemen to seek protection of the thegns. So rapid and complete was this process that the class of free ceorls seems to have become all but extinguished,² while that of the thegn came to include the bulk of the landowners. The freehold thus surrendered to the thegn was received back laden with services. The Danish ravages forced the Anglo-Saxons to seize on thegnhood as the nucleus of a new military system. Although there was no feudal system in England before the

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1. L.M.Larson, The King's Household in England Before the Conquest, 86. "How the comes originally came into possession of his lands can only be conjectured: but it seems reasonable to suppose that the chiefs of the Angles and Saxons, after they had risen to kingship, found distribution of conquered and confiscated lands the best way to provide for a large and growing comitatus."
 2. Green, History of the English People, I. 93. "From Alfred's day it was assumed that no man could exist without a lord."

Norman Conquest we find elements of feudalism existing.¹

While England at the close of the tenth century was tending to unity, France was tending to dismember. In England the distinct states were gradually forming a union--in France the local officers had gradually grown into hereditary princes thus dwarfing the power of the French king. "Normandy was a real fief from the beginning."² During the last half of the tenth century a native prince was ruling in Normandy, while in England the dominions were ruled by officers appointed by the English king. Thus in Normandy the doctrine of nobility was taking a form very different from the relations of eorl and ceorl, and the later thegn and ceorl, as they were understood in Anglo-Saxon society.

Although little is clearly known regarding the early Norman nobles, it seems that the Norman duke ruled his people as a personal sovereign, and that under him were a number of barons who held their possessions from the duke for which they were bound to him by feudal ties. The barons availed themselves of every opportunity to discard these feudal obligations. This nobility was derived from ancient Norse descent or from connection with the ducal household,

1. Freeman, Norman Conquest, I., 92. "But the union in the same person of the Teutonic tie of the Comitatus and the Roman tie of land held by military service would produce a relation coming very near to the strictly feudal relations."

2. Ib. 248.

yet members of this nobility could never boast of purity of blood.¹ They were kept together less by a sense of interest than by the strong hand of the duke.

With the Norman Conquest we have introduced into England the feudal baronage which consisted of the great tenants-in-chief of the crown owing military service to the king and suit to his court.² As sovereignty in feudal times tended to depend on possessions, so we will find that mere possessions tended to turn into sovereignty. Accordingly the feudal baronage, the great landed estate, will avail itself of every possible opportunity to assert its claim to sovereignty. Under such a system of government the strength of the barons as a political factor will vary inversely with the strength of the sovereign.

To William I. is given the credit of introducing feudal baronage to the English soil. The lands held by those who took part in the opposition to the Norman Duke were forfeited to the King. William I. thus had the means wherewith at once to enrich himself and to reward his followers. His success in England was due to the foreign army. The army could not be rewarded except at the expense of the

1. *Ib.* 252. "So it is in the reign of Richard (the Fearless) that we find the beginning of the Norman baronage, and the origin of many of its members was certainly not specially illustrious. But the larger part of the Norman nobility derived their origin from the amours or doubtful marriages of the Norman Dukes. Not only their own children, but all the kinsfolk of their wives or mistresses, were carefully promoted by ducal grants or by advantageous marriages."

2. Pike, *Constitutional History of the House of Lords*. 87.

conquered English nation--the conquered could not be guarded against except by putting strangers in the positions of honor and dignity.

Although there was no one moment of general confiscation and plunder, yet it is perfectly true that in the course of William's reign all the greatest estates and all the highest English offices were transferred from Englishmen to foreigners.¹ Not only were the lay dignitaries Norman but also the ecclesiastical.² "When William gathered his Witan to his great Gemot at Salisbury, there was not a single English Earl, and only one English Bishop to answer his summons."³ With this extensive transfer of estates

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1. Freeman, Norman Conquest, IV. 296. "William's immediate kinsfolk and friends did not fail to come in for their share."
Traill, Social England, I. 348. Article by A.L.Smith.
"The new aristocracy was largely akin to the Norman duke."
Pike, Constitutional History of the House of Lords, 25.
"One of the most remarkable facts to be observed in the list of persons who made up William's Council, is that some are identical with those who attended William's Council in Normandy before the final decision was taken to risk the invasion of England. Both Odo, Bishop of Bayeux (and now Earl of Kent), and Roger, Earl or Count (Comes) of Montgomery, had given their advice in favor of the undertaking, and Walter Giffard was, if not the same person, a son of the Walter Giffard who was present on that occasion. These and others had now become English nobles."
 2. Freeman, Norman Conquest, IV. 330. "The great places of the Church of England were to be filled by Normans or other strangers whom William could trust. Englishmen were to be wholly shut out from the rank of Bishop, and but sparingly admitted to that of Abbot."
Pike, Constitutional History of the House of Lords. 23.
"Lanfranc, the Archbishop of Canterbury, was an Italian from Milan; Thomas, the Archbishop of York, was a Frenchman from Normandy, and other English sees had also foreign occupants."
 3. Freeman, Norman Conquest, IV. 17.

and offices there was established in the land a territorial aristocracy of foreign birth.

Although the general result of the reign was to enrich Normans at the expense of Englishmen, it was not due to any legal distinction¹ on the part of William, but to the natural consequence of the continual revolts of the English, and the desire on William's part to fill the offices with men whom he could trust to support himself and his government. Men of both nations held their possessions by the same warrant.² All land had to be held by fresh grants, which needed the writ and the seal of King William as its witness.³ William was anxious from the first to take up the position as a lawful sovereign. Feudal baronage is thus finally established in England.

Realizing the possibility and probability of feudal lords' not only embarrassing but endangering the power of the sovereign, William at once took precautions against the tendencies that were so flagrant on the continent. Against this danger William secured his kingdom by the great act of the Gemot of Salisbury.⁴ Desiring to be real sovereign over

1. Ib. V. 32.

2. Ib. V. 32.

3. Ib. IV. 27.

4. Anglo-Saxon Chronicle (translation) 186. "After that he went about, so that he came by Lamma to Salisbury, and there his "witan" came to him, and all the landholders that were of account over all England, be they the men of what men they might; and they all submitted to him, and were his men, and swore to him oaths of fealty that they would be faithful to him against all other men."

all his subjects and not merely to be a feudal lord, he saw that not only his own vassals were bound to him but that the vassals of his vassals took oath to be his men first of all.

Further care was taken to maintain real sovereignty against feudal barons by avoiding contiguous territorial accumulation of the estates of the tenants-in-chief. Many of the great landowners held possessions in many counties.¹

Again William planned to outwit the tendency for the greatest feudal owners to constantly menace him by being very sparing in his conferring of earldoms.² In the parts of England where William felt most secure he broke up the old earldoms.³

In spite of William's careful precautions to make the Norman-English barons a less formidable class than the continental baronage, his reign was disturbed by rebellions of some of his barons. In 1075 we hear of the first of

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1. Traill, Social England, I. 347. Article by A.L. Smith. "Thus Hugh of Chester seems to have held lands in Stafford, which were afterwards exchanged for possessions elsewhere; but he retained land in twenty-one several counties, Robert of Mortain in twenty, Odo of Bayeux in seventeen, Eustace of Boulogne in twelve."
 2. Stubbs, Constitutional History of England, I. 294.
 3. Freeman, Norman Conquest, IV. 70-71. "There was no longer to be an Earl of the West-Saxons or an Earl of the East-Angles, wielding the vast powers and ruling over the vast territory which had been held by the Earls of the Houses of Godwine and Leofric. Wherever William appointed Earls at all, which was very sparingly, each of them was to have the rule of a single shire only, or if two shires were ever set under one Earl, they were at least not to be adjoining shires.**William thus took care that no one man in the kingdom should be stronger than the King."

many baronial risings. This rebellion was headed by Roger, Earl of Hereford, Ralph, Earl of Norfolk, and a third man who was enticed into this conspiracy, Waltheof, the English Earl of Northumberland.¹ The rising was crushed. The barons soon found that if the people had little love for William, their love for his barons was less. Both Normans and English aided the royal power in suppressing the uprising.²

The new order of society that was inaugurated in England by the Norman invasion placed the barons at the head. This was a foreign baronage. Not until Norman and English feelings and sentiments blended did a truly national order of barons come into existence. William used every means to dwarf the political power of the barons and to make his own sovereignty supreme. For the following generations we find the baronage repeatedly in arms, ranging themselves either with or against the king, prompted by no principle except the desire of strengthening their own social and political position.

Not only do we find the barons and the king at variance but also the barons and the people. The people soon came to realize that the hand of one great king was

1. Ramsay, Foundations of England, II. 102 et seq.
2. Freeman, Norman Conquest, IV. 578.

was lighter and better than the rule under many petty knights. As the Norman Conquest was a distinct triumph of one social and political system over another, it was not to be expected that the Normans, representing the barons, and the English, representing the great mass of common people, should blend under William I. Not until the commons and barons realized that they had common interests against the encroachments of the king do we find harmony and united action on their part.¹

Not only did the common people unite with the king against the barons but also the church aided the sovereign. In the organization of the church, William asserted his supremacy--he even went so far as to refuse to permit the pope to interfere in English affairs without his permission. Although William planned to fill the spiritual offices with competent candidates,² he did not forget to select men who would be his own ardent supporters. The clergymen showed their appreciation for their appointments by loyally supporting their sovereign. With the combined support of the national church and the common people William succeeded in holding the barons checked.

William's position as Conqueror, his plan for securing to himself not only the direct allegiance of his

1. Magna Carta, 1215.

2. Freeman, Norman Conquest, IV. 438.

own immediate vassals but of all vassals, the way in which the estates of the great tenants-in-chief were scattered through the different sections of the kingdom, the sparing bestowal of the rank of earl, combined with his craft as a ruler enabled him to put the permanent seal to the great task of making England a United Kingdom.¹

Had the one hostile faction, the barons, have supported William, who in his organization of feudalism in England tended to remove the greatest obstacles to absolutism, there would have been established such an absolute monarchical rule that it would no doubt have postponed for generations the liberties that the English people so much enjoy. Thus as a restraining influence to absolutism we can justify the resistance of the baronage in England.

When William turns over the English crown to his successor, we have a baronage in England that is composed of a restless and active lot of great nobles, who had taken an oath of allegiance to the king but time and again they had violated this oath. Anxious to assert their strength as a political factor in English government, we find them waiting for the first opportunity to assail the new sovereign.

1. Freeman, Norman Conquest, IV. 694. "He had not only conquered the land, but he had conquered the tendencies to anarchy and division which had lurked both in the old institutions of the land and in the new institutions which he had himself brought in and fostered."

Chapter II.

William Rufus and the Barons.

The Conqueror had three sons. On his death his dominions were divided. Robert, the eldest, succeeded as Duke of Normandy; William, the second, according to his father's wish, was to have England; while Henry, the youngest, received only a sum of money. The fact of the second son's inheriting the most important division of the father's possessions was somewhat unusual, but the Conqueror, knowing the character of his sons, no doubt thought that William would be more competent to grapple with the government of England than Robert.

Upon hearing of his father's death, William hurried across the Channel, and through the aid of Lanfranc and the English, he received the crown.¹

No sooner was the young king crowned than the great landowners who held possessions on both sides of the Channel began to object to the severance of England from

1. Freeman, The Reign of William Rufus, I. 15 et seq.

Normandy.¹ They saw that the day was not far distant when they would have to choose to whom they would render allegiance--the king or the duke. Hoping to establish one man on both thrones, the Norman barons declared for the rights of primogeniture,² and in 1088 took up the cause of Robert, realizing that in him they would have a more manageable sovereign than in his active and stern brother.

Odo, Bishop of Bayeux, the king's uncle, was at the head of the revolt. Odo, who had just been released from prison and restored to his earldom of Kent, was very much displeased at finding his own brother, William of Durham, filling the chief place in the councils of the new king.³ The rebellion appeared to be very dangerous for almost all the chief Norman barons in England revolted.⁴

On the king's side were to be found the vassals of Archbishop Lanfranc⁵ who had aided in the crowning of

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1. Ramsay, Foundations of England, II. 157.
Adams, The History of England from the Norman Conquest to the Death of John. 74.
 2. Ramsay, Foundations of England, II. 158.
 3. Freeman, Norman Conquest, V. 76
 4. Stubbs, Constitutional History of England, I. 320. "The claim of Robert to the whole of his father's dominions was taken up by the restless barons at once; indeed, all the princes of the Conquest except the Earl of Chester and William of Warenne."
Freeman, Norman Conquest, V. 76. "The chief Normans in England. Odo's own brother Robert of Cornwall, Earl Roger of Montgomery and his fierce son Robert of Belesne, Hugh the Bigod and Hugh of Grantmesnil, the younger Count Eustace of Boulogne, Bishop Geoffrey of Contances and his nephew Robert of Mowbray, all rose in rebellion. The Bishop of Durham himself joined in the revolt."
 5. Ib. 77.

William II. Nearly all the bishops¹ and the church as a whole remained loyal to the new king, for William I. had won the church to his cause, and it was only natural for it to support the successor named by the Conqueror. Yet the greatest source of strength for the king--the force that gave the decision in the contest to him was the support of the great mass of the English nation as opposed to the Norman element.² The rebellion was soon put down. Odo and some of the other rebels had to leave England with the loss of their English possessions.³ Thus William II. owed his crown to the loyalty and support of the English people.

After the suppression of this rebellion William II. had one revolt and one real or alleged conspiracy, both of which he was able to suppress without much trouble.

In 1095 Robert of Mowbray, Earl of Northumberland, was said to have been stirring up opposition⁴ to William II. on account of his strict enforcement of the forest laws. The object of the conspiracy seems to have been to make away with the young king and to place his cousin, Count Stephen of Albemarle, on the throne. During a campaign in the North, Robert's castle was besieged and it surrendered. The Earl spent the remainder of his life in prison.

1. Ib. 77.
2. Ib. 79.
3. Ib. 79.
4. Ib. 126.

In 1096, William of Eu, the king's kinsman who had served him so loyally in the Norman wars, was accused of conspiring against the king. In the judicial combat the Count was worsted and was foully mutilated. The Count of Eu and his kinsmen protested his innocence to the last.¹ This was the last revolt that William II. had in England or in Normandy.

Throughout the reign of Rufus we find him bent on securing his own absolute supremacy. He laid down the principle that no man should be stronger than the king. As a stage in the general constitutional history of England, from 1087 to 1100 the most important results lay in the further development of the feudal system.

The reign of William the Red, under the administration of Ranulf Flambard, was above all others a time when the feudal side of the Conquest was carried to the extreme. The influence of Flambard seems to have become paramount as soon as Lanfranc was gone. His devices were aimed specially at the rich--that is to say, they touched the Norman-English barons.

Flambard seems to have worked on the principle that since the king was owner of the land that the next

1. Ib. 128.

step would be to make him supreme landlord in the pecuniary sense. Thus he gave to the King rights over marriages, wardships, wills, reliefs, and numerous other aids¹ which especially concerned the rich subjects. Ecclesiastical positions were also included in this scheme. The church preferments were to be left vacant and church lands were to be let to the king's profit² because the king would be the heir of all holding possessions in England. No doubt William Rufus used his position as head of feudalism in England to a far greater extent than his father ever thought of. The most that can be said for the king is that he did his best to prevent anyone's plundering his subjects save himself.

Although all murmured at the heavy exactions, all submitted. The alliance of the church and the English with the king in 1088 had for the present broken the power of the barons. The ecclesiastical estate was helpless to resist because of the lack of a leader in the death of Lanfranc. The popular estate was powerless, for it had no head as soon as the king turned away from it. There was no power of combination, for the day was far distant when these three orders--nobles, church and people--could join against the king. Through the aid of mercenaries that the king kept

1. Freeman, The Reign of William Rufus, I. 336 et seq.
2. Ib. 336.

at the expense of all classes, no class could prevail against him.

There is quite a variance of opinions as to what extent Flambard is responsible for these feudal exactions. Freeman thinks he introduced not merely the abuses of the feudal system but the actual system itself.¹

Rounds, Stubbs and Ramsay think that these feudal privileges (relief, wardship, marriage, etc.) could not easily have been carried to such extremes during the short reign of William Rufus unless the privileges themselves had obtained legal recognition before this time. To Flambard they give credit for abusing the existing feudal system by "excessive exactions".²

Be this as it may, the fact remains undisputed that under William II. we have the beginning of the excessive burdens under which the English suffered for a number of centuries.

William Rufus who owed his crown to the support of the English and the church, finds at the close of his reign that not only the nobles but also the church is embittered toward him because of his eagerness to fill his own coffers

1. *Ib.* 335.

2. Ramsay, *Foundations of England*, II. 144.

Round, *Feudal England*, 227 et seq.

Stubbs, *Constitutional History of England*, I. 324 et seq.

at the expense of secular and ecclesiastical wealth. The people also found that William II. cared for them only when they could be of service to him as in the rebellion of 1088. No wonder that the church and the English hailed with joy the prospect of a new king and a new minister, in the place of the profane and cruel Rufus and his harsh and greedy minister, Flambard.

Through the aid of the English and the church William I. had kept the barons at bay. William II. having lost the support of the English and the church, the barons failed to supplant the king's sovereign power through the king's keeping them burdened by heavy exactions and through lack of united action with the other two estates.

Chapter III.

HENRY I. AND THE BARONS.

On the death of William Rufus, his younger brother Henry, who was in England, was at once accepted as the successor to the English throne. Henry had been born in England during the reign of his father, and had little difficulty in inducing the English to choose him king notwithstanding the claims of his older brother, Robert.

At the time of his coronation Henry I. realized the necessity of purchasing adherents, so he granted a charter that was full of valuable concessions.¹ He had found the realm oppressed by excessive and unrighteous exactions. In this charter the abuses of the late reign (abuses in the matters of wills, reliefs, wardships, marriages, fines, etc.) were specified and forbidden for the future. The king demanded that the barons should make similar concessions to their tenants. The church was to be free from all unjust exactions. One very important clause in the charter was the one in which the king exempted the demesne lands of the knights from all burthens in return for their rendering him military service. These knights, holding a place midway

1. Freeman, *The Reign of William Rufus*, II. 352 et seq.
Stubbs, *Constitutional History of England*, I. 330 et seq.

between the great barons and the masses, represented both the Normans and the English. Henry was farsighted enough to realize that by using this class he would have a powerful barrier against the great Norman-English barons of the Conquest, who opposed any sovereign that denied them all the freedom they wished. It was by raising men of lower feudal rank into power that Henry checked the power of the great barons.

In general Henry set forth his policy as its being his full purpose to reign as an English king, and declared the nature of his kingship to be to rule in strict accordance with the kingship of Edward and of William I.

This charter granted by Henry I. is important not only as a direct precedent for the later Magna Carta, but as being the first limitation on the despotism that was introduced into England with the Conquest and which was carried to such an excessive degree under William Rufus. Although the charter cannot be treated in the light of a legislative act¹ that can be enforced by any means other than mere force, yet as a mere promise or contract issued by the king it becomes a valuable precedent in English History. Henry committed himself to the duties of a national king in this document. Feudalism took on a legal aspect with the issuing of this charter. There was then some definite understanding of the various feudal relationships and

1. Pollock and Maitland, History of English Law, I. 95.

obligations.

Such a charter meant the friendly attitude of the national church and of the common people to the sovereign. The increasing of the privileges of the lesser barons was sure to arouse the hostility of the greater barons, who strongly opposed any semblance of check on their feudal power.

At once the new king was called on to defend his crown against Norman disloyalty in England. Realizing that "The Lion of Justice" was not the kind of sovereign who would grant to the barons all the freedom they wanted, the turbulent Norman barons in England from the very beginning made Duke Robert the center of their intrigues against Henry. The greater part of the Norman barons took issue against the new sovereign.¹ Without fighting the brothers came to an agreement in 1101 by which Robert gave up all claim to the English crown, and Henry surrendered all his claim within the borders of Normandy, except the town of Domfront which he had promised not to abandon.² In 1106 Henry again thwarted Robert's scheme,³ and England and Normandy were once more united. The remainder of Henry's trouble was with the great barons in England.

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1. Freeman, *The Reign of William Rufus*, II. 395.
Adams, *History of England from the Norman Conquest to the Death of John*, 127.
 2. *Ib.* 128.
 3. Freeman, *The Reign of William Rufus*, II. 413.
Stubbs, *Constitutional History of England*, I. 333.

His principal baronial struggle was with Robert of Belleme, Earl of Shrewsbury. This baron possessed numerous castles throughout England, Wales, and Normandy. Against this powerful man and his confederates Henry waged two successful campaigns. In the first one,¹ 1102, Robert's castles were beseiged and taken, and the Earl was banished from England and his estates confiscated. Later he rebelled in Normandy and was arrested and remained captive until his death.²

England was quite divided on the trouble between Henry and Robert of Belleme. The great barons sympathized with Robert because they feared for their own power if Henry could so easily crush the power of the greatest of his nobles. The other classes, both Norman and English, were faithful to the king for they realized that in the power of the law was their only hope of relief from the harsh overlords.³ After crushing Robert of Belleme no man dared rebel against Henry.⁴ The rest of the reign was free from domestic revolt or foreign invasion.

Henry had not been king of England long until he realized the impossibility of governing England by feudal

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1. Adams, History of England from the Norman Conquest to the Death of John, 131.
 2. Stubbs, Constitutional History of England, I. 334.
 3. Freeman, The Reign of William Rufus, II. 437.
 4. Adams, History of England from the Norman Conquest to the Death of John, 131

machinery. The great barons were too selfish to be entrusted with the reins of the government.

With the possessions that the king acquired due to the confiscation of the estates of Robert of Belleme and other barons,¹ he endowed a new nobility. Many of these men came from the ranks of the lesser barons and were men who had attracted Henry by their faithfulness in administrative service. These men produced a line of powerful and efficient administrative officers who served as sheriffs of the counties, barons of the Exchequer, justices in the Curia Regis, and other important positions.² Bishop Roger of Salisbury, whose aid along judicial and financial matters was so important, was a type of this new administrative baronage. The baronage of the Conquest naturally regarded these as upstarts, yet as administrative agents they proved a decided improvement over the purely feudal administrative officials. At the close of his reign Henry found himself not only supported by the national church and the masses, but also by the official royal baronage of service that he had created.

Realizing that his reign was nearing its close, Henry's mind became very much occupied with the question of succession to the throne. With the death of the prince, he

1. *Ib.* 132.

Stubbs, *Constitutional History of England*, I. 334.

2. *Ib.* 339.

was obliged to fall back on his daughter, Matilda, as his heir. Henry attempted to settle the question before his death by getting the barons and bishops to swear fealty to Matilda and her infant son. He did all in his power to avert the period of disorder and anarchy that followed his reign.

The selfish barons had been shorn of too much of their power by Henry to be willing to let slip their last chance to regain their power--the establishment on the throne of a weak sovereign who would follow their dictates.

During the reign of Henry I. two new conditions made for weakening the political power of the old feudal barons, the legal restrictions that were placed on their power by the charter, and the creation of the baronage of service that absorbed administrative functions previously performed by the feudal barons. These facts account for the alertness of the great barons at the close of the reign of Henry I.--bitterly hostile to Henry but unable to cope with him their one hope lay in the character of the successor. The power of the sovereign--the rights of the masses--the hopes of the barons rested with the character of the one who would follow Henry I. to the English throne.

Chapter IV.

THE ATTEMPT AT BARONIAL INDEPENDENCE UNDER STEPHEN AND THE CONSEQUENT ANARCHY.

No sooner was Henry dead than the oath¹ that had been forced² upon the barons was forgotten. The barons cared little for Matilda who had spent only two years in England since she was eight years old, and who had married Geoffrey, Count of Anjou, the heir of the traditional rivals of the Normans.³ With the death of Henry I., the Norman barons treated the succession as an open question.

At once another claimant to the throne appeared-- Stephen, the third son of the Conqueror's daughter, Adela, who had married the Count of Blois, a house not unfriendly to the Normans.⁴ Upon hearing the news of Henry's death Stephen immediately crossed over to England. In him the barons found a man of strong baronial tendencies. Through him they hoped to have restored part of the baronial independence that they had lost under the late sovereign. At London he was hailed by the citizens as the one who had delivered the country from a foreign yoke.⁵ Passing on to

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1. The oath to support Matilda's succession.
 2. Stubbs, Constitutional History of England, I. 345.
 3. HUTTON, King and Baronage. 9.
 4. *Ib.* 9.
 5. Anjou.

Winchester he was again welcomed, and there he received the royal treasure.¹ The church, headed by the claimant's brother, Henry, Bishop of Winchester, sanctioned his succession.² Returning to London he was crowned king on S. Stephen's Day, 1135.³

At first it appeared possible that the new reign would be a peaceful one. Robert of Gloucester and other leading members of Henry's household submitted to the new king.⁴ Stephen made promises of good government,⁵ the wrongs of greedy officials were to be suppressed, forests were to be surrendered, and the church was to have much freedom. He soon made his power felt against unruly barons in England; crushed a rising in Normandy; and got David, King of the Scots, Matilda's uncle, to agree to a truce.⁶

Thus the years 1136 and 37 seemed to presage quiet and order for England. However in the next year the scene changed--war and disorder began which only ended a short time prior to the king's death. Stephen's own imprudence was the main cause for his fall.

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1. Stubbs, Constitutional History of England, I. 345.
 2. Hutton, King and Baronage, 9.
 3. Ib. 10.
Stubbs, Constitutional History of England, I. 346.
 4. Ib. 346.
 5. Hutton, King and Baronage, 10.
 6. Ib. 10.

In 1138 Stephen adopted a method of strengthening himself which was also followed by his rival and by later kings. Hoping to win supporters by bestowing lavish gifts, Stephen included the title of earldom in the list of gifts to be given away for the purpose of securing fidelity¹--a policy the exact reverse of William the Conqueror, who tended to check rather than increase the power and authority of the great tenants-in-chief. During this reign nine earls were created by Stephen and six by Matilda.² No doubt this policy tended to involve the alienation of lands and revenues that otherwise the sovereign might have kept for himself.

Following this granting of large estates to win fidelity, Stephen granted to the barons some crown privileges³, the right to coin money, the right to share the fines levied in the law courts, and other privileges that increased the powers of the feudal barons at the expense of the royal power. Realizing their increased strength the barons began to build and fortify great castles. England seemed to have as many kings, or rather tyrants, as there were lords of castles.

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1. Ramsay, Foundations of England, II. 364.
 - Adams, The History of England from the Norman Conquest to the Death of John. 221.
 2. *Ib.* 221.
 3. Hutton, King and Baronage. 11.

Roger, Bishop of Salisbury, continued to have charge of the administrative machinery of the kingdom in the early years of Stephen's reign. He was still bearing the title of justiciar, his son, Roger, was chancellor of the king, one nephew, Nigel, Bishop of Ely, was treasurer, another nephew, Alexander, was Bishop of Lincoln.¹ Roger had aided in putting Stephen on the throne, yet he realized the uncertainty of his own position with such a sovereign as Stephen. He was fully aware of the fact that the king's vassals were building castles and fortifying them. Prompted by uncertain motives,² he and his nephews built and fortified a number of castles. They had great revenues at their disposal and spent them freely. Stephen soon suspected the Bishop of Salisbury and these other bishops of plotting with the Empress and her partisans.³ At the first possible opportunity the Bishops of Salisbury and of Lincoln were seized, treated with much indignity, and forced to surrender their castles.

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1. Adams, *The History of England from the Norman Conquest to the Death of John*, 224.
 2. *Ib.* 224. "In the present circumstances the suspicion would be natural that a family which owed so much to King Henry was secretly preparing to aid his daughter in an attempt to gain the throne, and this suspicion was generally held by the king's party."
Stubbs, *Constitutional History of England*, I.351. "Either with the thought of defending himself in the struggle which he (Bishop Roger) foresaw, or perhaps with the intention of holding the balance of the State firm until the contest was decided, he and his nephews built and fortified several strong castles in their dioceses."
 3. Freeman, *Norman Conquest*, V. 288.

With the arrest of Bishop Roger the whole administrative machinery ceased to work. Henry's official baronage of service, the effective check on feudal baronage, was thus broken up. The whole ecclesiastical body as well as the official baronage became embittered toward Stephen. The good will of these two factions that Stephen now lost meant far more to him than what he gained by seizing the estates and castles of the bishops. This disturbance was the signal for the civil war which lasted for about fourteen years.

Not only by his treatment of the bishops did Stephen commit an act fatal to his own strength, but by allowing Matilda and her brother to occupy Bristol he gave all the hostile forces in England the one thing they needed-- a natural leader with an impregnable position. After eight years of wretched struggling Matilda withdrew to the continent. The next year her brother and chief champion, Earl Robert, died.

During this conflict with Matilda, England was plunged into a civil war which in general took the form of besieging castles.¹ The barons divided their support-- usually giving their aid to the side making the greatest offers to them. During the long conflict the nobles made hardly a pretense of even party loyalty; it was a greedy scramble for power, and that of the worst feudal kind.

1. Freeman, Norman Conquest, V. 284.

This is seen in such a character as Geoffrey de Mandeville, who early in the strife for the crown saw an opportunity for self-aggrandizement and in return for his aid he demanded the earldom of Essex which was granted him by the king.¹ Later he served Matilda in return for a valuable prize.² After Stephen's release he obtained a new grant of power from Stephen which made him an almost independent prince.³

England suffered greatly during this period of civil warfare--lands were ravaged, castles and towns were taken and burnt. The lands of the king and of his supporters were laid waste. Cattle were driven off. Movable property was carried away and men were subjected to all kinds of inhuman torture. Men of wealth were frequently decoyed and kidnapped and forced to give up their valuables.⁴ Every castle became a separate center of evil, each lord set himself up as king or tyrant.⁵ No wonder that such a restless time and unstable condition of government have given the name of anarchy to this period in history.

With the barons so powerful--due to the disorder resulting from such a weak sovereign--the break up of Henry I's official baronage, and the desire of each feudal lord to increase his own power not only at the expense of other feudal lords but even at the sacrifice of the government--we

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1. Adams, *The History of England from the Norman Conquest to the Death of John*. 230.
 2. *Ib.* 239.
 3. *Ib.* 236.
 4. *Ib.* 218.
 5. Freeman, *Norman Conquest*, V. 286.

find that Stephen's authority proved to depend not on how much power he chose to keep but rather on how much the feudal barons would leave to him. Since the Norman Conquest the barons and bishops were only kept in check by the heavy hand and constant activity of the Conqueror and his two sons. Stephen lacked the ability necessary for the task. He was too easily influenced and failed to punish the rebellious sufficiently. His arrest of Roger of Salisbury and the bishops put an end to the administration of government as it was carried on under Henry I. The government presented a picture of feudal anarchy--there was no regard for law or precedent.

Towards the close of Stephen's reign Henry, the Empress's son, gathered a band of barons and went against the king. Stephen with another party of barons favored the succession to the throne of Eustace, the king's son. In 1153 as the opposing forces were face to face in line of battle and ready for a decisive encounter, the great nobles intervened and compelled them to make a truce.¹ The feudal barons preferred a truce to a decisive contest for they would thus be able to overawe one leader by the other. They feared that the victory of one would mean the establishment of a strong royal power and their subjection to it.² The

1. Stubbs, Constitutional History of England, I. 359.

2. Adams, The History of England from the Norman Conquest to the Death of John. 250.

death of Eustace changed the whole scene and we have Henry and Stephen coming to terms by the Peace of Wallingford.¹

Stephen was to hold the crown while he lived, and then Henry should succeed him. Estates that had been seized were to be restored to their rightful owners--the barons were to restore to the king the royal rights they had usurped. "Adulterine" castles were to be destroyed. The church was to enjoy its rights and privileges. Peace was promised and the restoration of justice and good laws. In fact the peace was an attempt to undo what seventeen years of war and anarchy had accomplished.

By the union of the contending parties the unprincipled barons were reduced to partial order and the feudal anarchy came to a close, though the harm and misery wrought were not as quickly repaired.

From this long period of strife the crown gained nothing, and out of the opportunities of feudal independence the barons in the end gained nothing. One valuable lesson, however, was taught the barons as well as the masses--that it was better to be ruled by one sovereign than to have as many rulers as there were men of power and wealth in the kingdom. This is shown in the fact that Henry of Anjou came peaceably to the throne. There was still, however, the problem of a strong Norman-English baronage to be met and we must see how the first Plantagenet succeeded in solving it.

1. *Ib.* 251 et seq.

Stubbs, *Constitutional History of England*, I. 360 et seq.

Chapter V.

THE RECOVERY OF POWER BY THE ABSOLUTE MONARCHY UNDER HENRY II. THROUGH THE HUMBLING OF THE BARONAGE.

Under Stephen the central government had proved too weak to check the growth of feudal tendencies. The kingdom was studded with castles, and the barons in their feudal courts exercised criminal jurisdiction without appeal. All the country north of the Tyne had fallen into the possession of the king of Scotland, the northwest was ruled by the Earl of Chester, and the Earl of Aumale was practically sovereign beyond the Humber.¹ All England was in a state of great confusion as a result of the long continued civil strife of the previous reign. The government as organized by Henry I. had fallen into decay.

Henry II. lost no time in setting about the work of restoring peace and order in England. In the new charter that he granted at his coronation, no mention was made of the reign of Stephen. He preferred to be the heir of his grandfather, and confirmed in his charter "all the gifts, liberties, and customs that his grandfather had granted".² The new sovereign at once put in force the scheme of reform

1. Green, Henry the Second. 9.

2. Stubbs, Constitutional History of England, I. 487.

which had been drawn up the year before at Wallingford. The feudal nobles were to surrender all illegal privileges and estates which they had usurped, the "adulterine" castles were to be destroyed, and sheriffs were to be restored to the counties. The newly-created earls were to be deprived of their titles which had been so lavishly granted during the period of anarchy.

These reform measures, which had as their prime object the curbing of the power of the feudal barons, might be expected to involve the sovereign in struggles with them. Many of the more powerful nobles did not yield without offering resistance.¹

The Count of Aumale, who was almost sovereign in the north refused to surrender Scarborough Castle. It was necessary for Henry to overpower him in order to rule the north. A rising on the Welsh border occurred at the same time. Hugh Mortimer, the most powerful lord on the Welsh border, and Roger, Earl of Hereford, and lord of Gloucester, prepared for war. Immediately after his crowning Henry II. hastened to the north and forced Aumale to submission. The fear of the new sovereign fell on the barons. Roger of Hereford submitted and the earldom of Hereford, and the city of Gloucester were placed at the king's disposal. Hugh Mortimer was later reduced. The following year William of

1. Green, Henry the Second, 28 et seq.

Warrenne gave up his English castles. Hugh Bigod, Earl of Norfolk, was soon deprived of his estates and the king thus had possession of the eastern counties as well as those of the north and the west. In 1157 through the homage of Malcolm, Henry practically ruled to the farthest borders of Scotland. After three campaigns into Wales the triumph of the Angevin conqueror was practically complete in England. The feudal baronage lay crushed at his feet. The royal authority had been pushed, at least in name, to the utmost limits of the Island.

Not only by military force did Henry attempt to check the power of the feudal barons but also by judicial reforms. All men without exception were to submit to the jurisdiction of the king's judges on circuit. Even the lords who had courts of their own had to attend the county court when it assembled to receive the itinerant justices.¹ They had to receive and aid the sheriff of the county when he came into their jurisdiction in pursuit of criminals. By the Grand Assize all suits for the possession of land were to be brought under the protection of the king's justices.² In 1170 the control of barons over the sheriffs was removed by the king's appointing to this office men who would be strong to resist the dictates of the local barons.³

1. Assize of Clarendon 1166.

2. Ramsay, *The Angevin Empire*, 202.

3. Stubbs, *Constitutional History of England*, I. 511.
Adams, *Political History of England from the Norman Conquest to the Death of John*, 321.

This was a blow to the local influence of the Norman-English feudal barons.

Every judicial reform undertaken by Henry was in keeping with his anti-feudal, centralizing policy. By his legal measures we have introduced the absolute subordination of the sheriffs to the royal justices and the breaking down of the baronial courts. Henry gave the courts a more definite and stable character--the law itself took a more positive form. These changes demanded a trained official class, which meant the decline in judicial offices of the strength and prominence of the purely feudal baronage. The English government was beginning to become independent of feudalism.

Soon the barons began to realize that these new laws and the firm system of government, responsible everywhere to the king, meant that their power and the independence they so much cherished were rapidly being taken away. They decided to make a bold stand for their feudal rights against the growing supremacy of the crown.

The Becket quarrel and the exacting reform measures had made Henry very unpopular--added to this we have the fact that he had alienated his wife and had failed to secure the love of his children. Taking advantage of the king's unpopularity, early in the year 1173 the storm of rebellion broke out over the whole of Henry's dominions. The royal

demesnes were overrun and devastated¹ . The great number of the king's vassals who took issue against him gives evidence of the widespread discontent of the feudal barons. The king received his support from the middle class, the new official baronage of his own and his grandfather's making, and from most of the church.² In spite of the seeming odds against the king, he crushed the revolt in a few months. The feudal army lacked in united action and a common leader. It seemed that each man was scrambling to get what he could. Practically all the holdings of the rebellious nobles were at the disposal of the king. The work of dismantling dangerous fortresses which he had begun twenty years before, was at last completed, and no armed revolt of the feudal barons was ever again possible in England. The castle of Bristol was given up to the sovereign. The border barons and the Welsh princes swore fidelity.

The rebellion of 1173-4 was the last fight that the barons made clearly and definitely for their feudal independence.³ This event marks the final ruin of the old party of the Norman-English baronage⁴. Feudalism as a system of government was practically at an end. This attack of the feudal barons had been directed against strong and

1. Ramsay, *The Angevin Empire*, 168.

2. Adams, *Political History of England from the Norman Conquest to the Death of John*, 307 et seq.

3. Stubbs, *Constitutional History of England*, I. 518.

4. Green, *Henry the Second*, 184.

systematized governmental machinery and the government was victorious. The war shows the firm hold that the sovereign had obtained on the national church, the great middle class, and the newer though less feudal portion of the baronage. With Henry's success over the rebellious Norman-English barons we have the absolute monarchy at last triumphing over feudalism.

In the following reigns can be seen how the English people under the leadership of the new English baronage learned that law could be applied to the very power that had forced the lesson of obedience upon them. As the national elements discovered their own strength and the strength of law, they learned to give their service only on condition of receiving in return just treatment for themselves. This, however, is a phase of baronial history that lies outside the scope of the present thesis. It remains for us only to discuss the causes and circumstances of the final ending of the Norman-English baronage through the separation of England and Normandy early in the reign of King John.

Chapter VI.

THE NORMAN-ENGLISH BARONAGE GAVE WAY TO THE NATIONAL BARONAGE.

With the death of Henry II. the feudal age of English History practically ended. The continental society that had been introduced upon the island by the Norman Conquest was rapidly disappearing. The English barons were beginning to identify themselves more closely with England. This chapter will endeavor to show how the political interests of the baronial party became linked with the general welfare of the English nation. In this change the reign of Richard was a time of rapid preparation, leading to the struggle for the Magna Carta in John's reign. This struggle marked the positive appearance of a national baronial party in England.

During the reign of Richard we find the barons comparatively peaceful. Many of the feudal nobles who were interested in adventure and warfare joined Richard in his Crusade, and the loss of part of their number reduced the strength of the Norman-English baronage in England.

Before starting on the Crusade, Richard made provision for the government of England. He bestowed upon John vast possessions in England and abroad, filled the vacant bishoprics, and promised York to his half-brother, Geoffrey,

but forbade him to come to England for three years.¹ William Longchamp who was placed at the head of the government was an upstart whom the baron despised.² He possessed all the pride of one who has rapidly made a great fortune. He lived in great style, sold judicial sentences, and exacted money freely.³ His harsh treatment of the barons soon created opposition to him.

When Geoffrey landed in England, Longchamp had him arrested. The baronage together with the church resented this act. London deserted Longchamp and recognized John as regent.⁴ At a Council of Barons, 1191, Longchamp was deposed. Although the action on the part of the nobles was revolutionary,⁵ yet it had its effect in training the barons in concerted action against a tyrannical minister. The barons took affairs into their own hands as though they were delegates representing the nation. They did not undertake to overthrow central authority, but rather to correct existing abuses. They had learnt that central authority might be used for their own ends to better effect than if it were simply over-thrown as they planned to do in 1173. This action on the part of the barons is a precedent which was later followed by the barons who compelled John to sign the Magna Carta.

1. Hutton, King and Baronage, 41.

2. *Ib.*

3. Stubbs, Constitutional History of England, I. 536.

4. Adams, The History of England from the Norman Conquest to the Death of John, 372.

5. Stubbs, Constitutional History of England, I. 539.

Not only regarding the action of the king's ministers do we find the barons making successful resistance--but in the barons' refusing to aid in the war against Normandy¹ do we find them again establishing the principle of careful investigation and successful resistance to a demand of possible doubtful propriety on the part of the sovereign. The English barons were establishing a new practice by first examining and questioning the propriety of the demands made by the sovereign before complying with them. The old selfishness of the feudal baronage was giving way before the common interest of a rapidly growing national baronage.

Through the support and aid of the national barons, the national church, and the common people Henry II. had been successful in his military campaigns against the turbulent feudal barons. By judicial reforms he had further secured himself against them by beginning to make the English government independent of them. By the time John came to the English throne the power of the Norman-English barons as a party in English political and governmental development was practically at an end.

With the loss of Normandy² vanished the last hope of making England a feudal land. The release of England

1. *Ib.* 548.

Hutton, *King and Baronage*, 47.

Adams, *The History of England from the Norman Conquest to the Death of John*, 382 et seq.

2. Adams, *History of England from the Norman Conquest to the death of John*, 390 et seq.

from the continental possessions seemed to be all that was wanted to make her people true Englishmen.

Many barons had possessions on both sides of the Channel. Although many of them made submission to Philip so as to save their Norman estates,¹ yet at heart they were more closely linked to the English than to the French. These barons, part English in blood, soon began to be English in feeling and sympathy.

The barons ceased to carry on civil warfare for their own selfish betterment and took up the cause of the English nation. This change in their policy must have been due very largely to Henry II's having weakened the political power of the Norman-English barons and having increased the power and authority of the crown.

As the union of England and Normandy introduced to English soil the Norman-English feudal baronage, which was by nature a selfish social order, so we find that by the loss of the Norman possessions the feudal baronage gave way to the rising national English baronage, which had at heart the cause of the whole nation and not merely the welfare of one social class. That this was so can be seen in the great national contract made with King John, which, while based on feudal law, recognizes the rights of all classes more or less fully.

1. Ramsay, The Angevin Empire, 403.





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