

# ILLUSTRATIONS OF ENGLISH HISTORY.

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## No. II.

### THE DANES IN ENGLAND.

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The Northern people, whom our Anglo-Saxon ancestors called Danes, were of the same race with the people who occupied Normandy. The Danes were natives, not of Denmark only, but of Norway, Sweden, and other countries also adjoining the Baltic Sea. Consequently, their settlements were in part the same with those from which, about four centuries earlier, the Angles, Jutes, and Saxons had sailed for the conquest of Britain. Indeed, these last-mentioned people were of the same Teutonic stock with the Danes, and, though since their establishment in Britain they had undergone various changes, from difference of country, climate, and occupation, and still more from their conversion to Christianity, there was still a strong resemblance in physical appearance, language, laws and customs, between them and their Northern invaders. Originally the two peoples were of the same religion; and it was a feeling of resentment against the Anglo-Saxons, as renegades from the worship of Odin and the other gods of the Teutonic mythology, that, in a great measure, actuated the Danes in their merciless devastation of England. This feeling would account for the special fury with which they fell upon the religious establishments lying in the way of their incursions, insomuch that they destroyed nearly all the monasteries in the land.\*

The leaders in the piratical and marauding expeditions of the Danes were usually the younger sons of noble

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\* These houses remained desolate till King Edgar restored them.

families, whose patrimony consisted of their swords and chiules (keels), with which, when they were of sufficient age, they sallied forth, each accompanied by his band of attached followers, to carve out their fortunes in foreign lands. The plunder of aliens, whether by sea or land, was not only the readiest method of accomplishing this object, but was also regarded by them as a perfectly legitimate proceeding.\* They were trained to the use of arms from childhood, and diligently studied the art of war. Accordingly, in their campaigns they exhibited not merely prowess and perseverance, but much military skill besides, as may be observed in their strategy, in the conduct of several of their chief commanders (especially Hasting, the "Scandinavian Hannibal," an antagonist worthy of the great Alfred), and in their expertness in throwing up strong fortifications at well-chosen points in their lines of march. Of these fortifications numerous remains still exist in England at the present day.

The unsparing effusion of blood which marked the incursions of the Danes is accounted for by their belief that it was the most acceptable sacrifice that they could offer to their god Odin: while their reckless bravery was, in great measure, prompted by the belief that death in battle was a sure passport to Valhalla, the paradise of their mythology, where they would pass an eternity of revelry, drinking mead out of the skulls of their slaughtered enemies.

What rendered them the more difficult to cope with in war was, the celerity of their movements in flight as in advance; for with them it was no disgrace to flee, if at least they were able to secure their plunder.

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\* This manner of regarding piracy, nay, its estimation as even an honourable profession, seems to be characteristic of the dwellers in islands or on the sea-coast of continents, in an earlier stage of civilization, at least among heathen people. The classical reader may remember Thucydides's statement on this subject, at the beginning of his history:—"The Hellenes of old, and those barbarians who lived near the sea or on islands, after they had become used to cross over to each other in ships, took to piracy, under the conduct of their leading men, with a view to their own gain, and to the maintenance of needy persons. This employment did not involve any disgrace, but rather brought with it some degree of honour." It may, in passing, be observed, that these ancient pirates, in levying contributions for "the maintenance of needy persons," were, in a manner, virtually anticipating the principle of "*compulsory relief*," which forms the basis of our own poor-law system.

There were two distinct periods in Anglo-Saxon history during which the Danes carried on their reiterated invasions of this country.

The first of these periods begins about the year 832, in the reign of Egbert, not long after that monarch had succeeded in reducing the whole of England to a certain degree of unity under his dominion. It ends with the utter defeat of the Danes by Athelstane at Brunnaburgh in Lincolnshire in the year 938, by which that monarch established his full supremacy over the Danish districts of England, and was enabled to assume, instead of his predecessors' more modest title of King of Wessex, that of King of England.

The second period of Danish invasion begins in the year 981, in the reign of Ethelred the Unready, and ends with the establishment of a Danish king over England. In this success the Danes appear to have been aided by the sympathy or indifference of a large portion of the Anglo-Saxon subjects of Ethelred, who had been disgusted with the weakness and misconduct of their king.

The interval, therefore, between the first and second periods of Danish invasion was forty-four years. "The land had rest forty years," or thereabouts. This suspension of their terrible inroads was partly owing to the vigour and ability with which the sceptre of England was then wielded, and partly to the weakness of other countries which then invited their cupidity. The interval of repose which England thus enjoyed was invaluable for the consolidation of the kingdom under one government, and its progress in legislation and the arts of peace.

It was during the first period of their invasions that the great territorial settlements of the Danes in England were effected. Before the year 875 (in the reign of Alfred) their objects had been limited to mere pillage and devastation, with the exception of occupying the Isle of Thanet (like the Anglo-Saxon invaders before them) as a basis of operations, and retaining various posts in different parts of the country. But, in that year, the Danish leader Halfdane seized and divided among his followers, who had come accompanied by their wives and children, the mass of the Northumbrian territory, that is, of the country stretching northwards from the Humber to the Tweed.

This population, settling among the Anglo-Saxon inhabitants, and intermarrying, became in a few generations almost one people with them.

The second great settlement of Danes in England took place in the year following (876) when a large body of Danes, with their families, took and occupied the territory of the "Five Burghs;" that is, of Lancashire, Lincoln, Stamford, Nottingham, and Derby, comprising a considerable part of the former kingdom of Mercia.

Their third great colonization was effected by Guthrun and his followers, in pursuance of his treaty with Alfred—a treaty politic on Alfred's part, although he was their victor, as giving inhabitants to a thinly-peopled district, and as identifying the interests of these invaders with the interests of his own people. It should be remembered that the conversion of the Danish chief to Christianity was one of the conditions of the treaty.

The territorial settlement of Guthrun and his followers was defined by Alfred himself, in these words, "Let the bounds of our dominions stretch to the river Thames, and from thence to the water of Lea, even unto the head of the same water, and thence straight to Bedford, and finally along by the river Ouse let them end at Watling Street." Thus, in addition to their former possessions, Essex, East Anglia, and some further extent of the midland country, were secured to the Danish colonists of England.

These three great portions of the kingdom, in which successive bodies of Danes had thus established themselves, soon came to be united into one great division, which took the name of the *Danelagh*, or territory under the *laws* and customs of the Danes. The *Danelagh*, like the two other great divisions of England, the west Saxon-lagh (West Saxon-law) and the *Merchenlagh* (*Mercian-law*) was recognized as in some respects a separate territory till after the Norman Conquest. It comprised the following fifteen counties: Yorkshire (which is thought to have then included Durham, Lancashire, and the whole or part of Westmoreland), Derby, Lincoln, Nottingham, Leicester, Northampton, Bedford, Buckingham, Hertford, Essex, Middlesex, Norfolk, Suffolk, Cambridge, and Huntingdon. This large portion of England, however, was by no means exclusively occupied by the Danes,

though in the northern districts their number greatly preponderated over that of the Anglo-Saxon inhabitants.

The fusion of the Danish population with the people around them, a result doubtless anticipated by the enlarged and patriotic mind of Alfred in making his treaty with Guthrun, went on with great rapidity. They were subject to the supreme sovereignty of the Anglo-Saxon monarchs, although for a time they continued under chiefs of their own race, called in the ancient chronicles "reguli" (little kings). They were governed according to their own laws and institutions, which however were not very unlike those of the rest of the kingdom, differing from them more in form and detail than in substance and principle. It appears that in the reign of Edward the Confessor one code of laws came to be generally established throughout the realm, so that by the time of the Norman Conquest a complete national unity had been achieved in the country, although the Danelagh still continued to retain some legal customs of its own. By the afore-mentioned treaty with Alfred, the Danes had been placed on an equality in the eye of the law with the Anglo-Saxons, the same amount of *weregild* being assigned to the life of a man of either race.

It is remarkable how quickly the Danish settlers in England threw aside their former ferocious and lawless habits and fell into the peaceful and industrious pursuits and civil life of their Anglo-Saxon neighbours. The conversion of the Danes to the Christian religion, which appears to have taken place speedily after their settlement in this country, would tend to humanize their manners, would dispose them to the tranquil habits and occupations of their fellow-subjects, and would not only remove a fertile cause of discord in the difference of religion, but furnish the strongest bond of sympathy and union with the Anglo-Saxon population.

Unlike the Norman Conquerors of England, the Danes, though for a short time, that is to say, twenty-six years, the dominant race, have left no striking impress upon the *laws* and *institutions* of our country. This fact is probably to be ascribed to the similarity of their laws and institutions with those of the Anglo-Saxons.

The only remaining traces which Danish colonization and predominance have left upon the nation are to be

found in the effects produced by them upon national character and habits, and, though in a slight degree, on our language. As to the first point, a very little observation will detect, even at this day, a considerable difference between the population of the southern and northern parts of England. This difference is to be accounted for by the prevalence of Danish blood in the latter. The people of the north of England are seen to be generally of larger physical stature, to possess greater energy and boldness of character, more frankness of speech, a more bluff demeanour, and, it may be said, more turbulence of disposition, than the purely Saxon and Jutish population of the south, with their more peaceful, patient, sluggish, and reserved temperament. Hence, as it may be observed, the various civil wars, rebellions, insurrections, and disturbances of our history, down even to recent times, have for the greater part either sprung up in the north of England, or have there exhibited the greatest obstinacy and violence. But to the general character which the great mixture of original races has stamped upon our whole nation, the Danes have evidently contributed some important features.

Among these may be noticed the powerful and permanent impulse given to the seafaring propensities of our people—propensities which, though very widely prevalent in England and its coasts, are even more conspicuous in the north-eastern, the peculiarly Danish, portions of the kingdom. It is evident that by the time of Alfred the Anglo-Saxons, originally, like their Danish invaders after them, a piratical people, had almost entirely abandoned their nautical tastes and habits. Indeed, it was only the continued assaults of the Danes upon our coasts, that led to the formation, by the great Anglo-Saxon Monarch, of a navy for national defence. Nor can it be doubted that these intrepid and skilful navigators, the Danish “Vikings” and their followers, becoming incorporated with the Anglo-Saxon inhabitants, must have greatly enhanced this trait of the national character. To the Danish ingredient of our population has been ascribed that love for all pursuits connected with the element of water—that love for sailing, rowing, boating, fishing, bathing and swimming—for which we are noted above all other nations of the earth. The Danes, too, were fearless horsemen, as

well as sailors—and this kind of intrepidity, together with hard drinking and large appetites (though here the Anglo-Saxons appear to have needed no example), are qualities which seem to have descended from them to later days. It may also be mentioned that the formidable excellence in archery, which afterwards distinguished our nation, was owing, in great measure, to the Danes, with whom the bow, little in use among the Anglo-Saxons, was a favourite implement of war. The Normans, also, by whom the bow was used with terrible effect on the day of Hastings, contributed, as well as their kinsfolk the Danes, towards the subsequent excellence of the English people in the use of this weapon.

As regards the second point aforesaid, I mean Danish traces in our language, these are not numerous, as the language was cognate with that of the populations among whom they came to dwell; and, where the languages differed, the Danes appear to have adopted Anglo-Saxon words, instead of the Anglo-Saxons adopting theirs. I may mention here, by the way, that the whole Scandinavian populations then spoke the *same* tongue, of which the modern Swedish and the modern Danish (spoken in Denmark and Norway) are different dialects, but which still survives intact in the language spoken in Iceland.

This Scandinavian language was a branch of the great Teutonic stock, of which Anglo-Saxon was another branch. However, of this language, some traces among ourselves may be observed at the present day. The broad pronunciation of the vowels, which strikes the ear of the educated Englishman, when listening to the vernacular of the north, appears to be a relic of Danish speech. A few words of purely Danish origin are universally current. The modern English plural of the verb substantive—"are"—not an Anglo-Saxon form, is Danish. The familiar word "husting" is Danish; the "house-thing," or assembly, (for in Icelandic, "thing" still means assemblage) held in a house or under a roof, in contradistinction to the open-air meetings for debate, of which, by the way, we have remains in the Shire-motes or County Courts held in Kent on Penenden Heath and on Barham Downs. We have a clear trace of the old Danish language in the form "by," which means "borough." A "by-law" is, therefore, properly a

Borough-law. This word, "by," forms the ending of many hundreds of names of places in those parts of England which were most largely colonized by the Danes, while it is seldom to be found south of Watling Street. Derby is the most southern inland place of importance, of which the name ends with this syllable, a fact significant of the limit within which Danish occupation prevailed.\* To the same origin are to be referred the terminations of "toft," or "thorp," which are notoriously peculiar to some districts of England. It is a remarkable fact, that at the present time† a fierce dispute should be going forward in Holstein, on the subject of these same endings of "by," "toft," and "thorp," or "dorp," as indicating the Danish origin of the places to the names of which they are affixed; the party who would "*Germanize*" the Duchy striving for the abolition of these significant syllables, while their Danish adversaries stoutly contend for their retention. "Thwaite," a suffix of names of places found in Cumberland, is of Danish introduction; and the words "beck" for "brook," "force" for "waterfall," "fell" for "hill," all of them words derived from the same source, prevail in the North of England. All of the numerous headlands which have the Scandinavian termination of *ness*, bear witness to the visits of the Danes to our shores. Altogether, there are not more than about forty-five words of Danish origin—among them, the characteristic word, "ship"—which have been incorporated into our language.‡

The speedy amalgamation of the Normans with the population of the conquered island may, I think, be ascribed, in great measure, to the kinship which existed between them and the Danish race.

This consanguinity had been mutually recognized by the two peoples in many instances. Thus it was recognized in the aid which the Danes more than once lent on that score to the Normans, in contending with their feudal sovereign, the King of France. It was recognized

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\* It is a curious fact, mentioned in a recent review, that vessels of Grimsby, entering a Danish port at the present day, can claim certain exemptions, on account of the Danish settlement of that town.

† This was written before 1865.

‡ For a list of these words, see an able "*Analysis of the English Language*," by J. P. Fleming, M.A., B.C.L., published by Longmans.



again in the pretext, which, among others, the Normans advanced for their invasion of England—that they came as avengers of their kinsfolk the Danes, who had been treacherously massacred on the notorious occasion of St. Brice's day, in the year 1002, under the orders of Ethelred the Unready. The Danish population of England would, in short, act as a connecting link between the conquering Normans and their Anglo-Saxon subjects; and would, as the history of those times seems to show, incline the former to treat with more regard, than they would otherwise have done, the laws and institutions which they found established in this land.

Such were the Danes in England; such their share in forming our language, and in impressing upon our common country her distinctive character among the nations.

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#### THE NORMAN CONQUEST—HOW FAR A "CONQUEST."

There is some difference of opinion among historical writers with regard to the degree in which the Norman invasion of England may be considered to have been a conquest, in the accepted sense of the term.

On the one side, it is argued that the Norman invasion involved not only the intrusion of a foreign prince upon the throne of England, and the substitution of his principal followers for the native aristocracy, but, practically, a change of laws and institutions; that in the place of these laws and institutions the feudal system in its full rigour was introduced, and the forest laws also; that it was attended by the dispossession of a large proportion of the original holders of landed property throughout the kingdom, and that the native population were degraded to a state of subjection, and treated with great insolence and cruelty. Thence it is concluded that the Normans effected, in an extreme sense of the term, a conquest over England.

On the other side, it has been alleged that William of Normandy had a valid title to the throne of England by the designation of Edward the Confessor's will, by his kinsmanship with the Confessor, and by the absence of any other claimant who had a better title. For Harold, they would urge, had not been a legitimate king, as not having been of the royal race of Cedric, and Edgar

Atheling, the nearest in kin to the Confessor, had not been accepted, in spite of his partial election, by the nation at large. It is also observed that William already had in England a considerable party by which his claims were favoured, a party created by the Normanizing tendencies of Edward the Confessor, who had established a certain number of Normans in places of authority both in Church and State. The support also which the Pope gave to the enterprise of William of Normandy would range a considerable number of the Anglo-Saxon clergy on his side. It is further argued that some months after the Battle of Hastings a large proportion of the principal men of England voluntarily acknowledged William as King, and were confirmed by him in their possessions; and in particular that the authorities of London agreed to allow his claims and admit him into their City, only upon the express terms of a treaty, which was made at Berkhamstead, in 1067, the year after the invasion, and by which the liberties and privileges of the City of London were guaranteed. The fact also is adduced that in the coronation of William, which was performed at Westminster Abbey by an Anglo-Saxon prelate, Aldred of York, assisted by other Anglo-Saxon dignitaries, the same oath to govern according to the laws of the kingdom was taken by the new king, and the same forms observed, as in the coronation of the previous legitimate successors to the throne; and that in taking this oath William added, of his own accord, an engagement to govern the people as well as any of his predecessors had governed them. Further, it is argued that no essential change was made in the laws and institutions, or of the form of government under which the Anglo-Saxons had lived, but that these survived the Norman rule and even form the basis and substance of our present constitution. On this point it is noticed that in the year 1070, four years after his successful invasion, William appointed a commission composed of twelve men, elected from every shire, to ascertain and report upon the laws and customs which had prevailed before the Conquest, and that he enacted, with some amendment and additions, the laws and customs thus verified. It is observed too, on the authority of a contemporary writer, that during his reign he strictly maintained justice between man and man, and so

rigorously preserved the peace that "a girl with a purse of gold in her hand might safely traverse the land." It is argued also that the Anglo-Saxon landowners were not in the first instance to any *great* extent deprived of their possessions, but that the great majority retained them, until by rebelling after the submission of the kingdom to the Norman rule they forfeited them in due course of law and justice; and that even thus a considerable number of Anglo-Saxon holders of land appears in the record of Domesday Book. It has also been contended, in conformity with this view, that the term "Conquest" did not necessarily carry the sense which we attach to the word, but that it might indicate a rightful acquisition. From these premises it has been concluded that the attainment of the crown of England by the Norman Duke was a legitimate succession and not a conquest in our sense of the word.

Such, as I have above stated them, are the two extreme views which have been propounded on this subject by historical writers. I will consider the arguments used by those who consider that the Norman occupation was not properly a conquest.

The allegation that William was a legitimate successor to the throne of England, as having been so designated by the Confessor, will not bear examination. No Anglo-Saxon king had the prerogative of appointing his successor without the concurrence of his Witena-gemote, which is not supposed to have been given in this particular instance. Nor will the argument that William derived a claim to the throne from his kinship with Edward the Confessor stand against the fact that there were, besides Edgar Atheling, other nearer relations of the Confessor, whose claims were entirely overlooked. With regard to the voluntary submission of a large proportion of the principal men of the kingdom, and William's occupation of London under the terms of a treaty, we may observe that these facts, although apparently true, are not sufficiently important to invalidate the reality of a conquest. One might as well argue that a fortified town was not taken in war because terms highly favourable and honourable to the capitulating garrison had been granted by the besiegers! Many of the principal men of England, including the chief citizens of London, would gladly make the best of their unfavourable

circumstances. Being without a king of their own, around whose standard they might rally against a powerful invader at the head of a victorious force, they would readily accept the most ample terms they could obtain from the invader. That invader, surrounded as he was by a hostile population, would, from obvious motives of policy, be willing to divide his antagonists by granting terms to a portion of them, so as to spare himself and his followers as much risk, loss, and trouble as possible in securing his conquest, and colour his doubtful title with a show of legality.

The existence of a Norman party in England, favourable to William's pretensions, would only aid him in his design of conquest, without proving that his occupation of England was not a conquest. That William submitted to be crowned according to the usual forms and with the usual oaths, may obviously be accounted for by the knowledge which so astute a politician must have possessed, that to keep a conquest over a brave people is a more difficult task than to conquer them, and that any course of conduct, which may soothe their pride and resentment while retaining the substance of power over them, tends to remove the difficulties of that task.

It is urged that no great formal change was made in the existing laws and institutions of Anglo-Saxon England. The feudal system, indeed, was carried out more extensively and rigorously than it had been; yet it had before existed in England. But a new and oppressive code of a particular kind was unquestionably now introduced, called the Forest laws: and the retention of the ancient laws and institutions, was for some time rather nominal than practical, and served, as Selden has observed, "rather for show than use." It restrained neither the Conqueror nor his successors from the most arbitrary and tyrannical proceedings; and, although the Conqueror appears to have suffered none other than himself to exercise illegal domination, yet, under his successors, the ancient Anglo-Saxon laws and institutions presented but very feeble obstacles to the lawless violence of the Norman Barons. These laws and institutions, it is true, survived the Conquest, and afterwards recovered their vigour; but for several generations they were in great measure ineffectual, as may be inferred from

the frequent demand of the English people for the *restoration* of "the laws of Edward the Confessor," in other words, of the laws and institutions of Anglo-Saxon times.

The fact that William at first carried out no general or extensive dispossession of the original proprietors, will have little effect in proving that the Norman Conquest was not properly a conquest, if we consider that it was the enormous oppression and exaction practised by the Government and the Barons during William's short absence from England in Normandy in the year after his invasion, that drove the suffering people into open rebellion, and thus enabled the King on his return to confiscate with some show of justice and legality a large portion of the estates of the original holders, for the enrichment of his greedy followers. Surely a people thus treated by an alien race were a conquered people! The appearance of some Anglo-Saxon proprietors in Domesday Book—a record which was compiled in the year 1086, twenty years after the Norman invasion—only shows that the dispossession of Anglo-Saxon proprietors was not quite *universal*, and forms indeed that kind of exception which proves the rule. It must also be considered that the Anglo-Saxon names in Domesday Book probably often represent *inferior* tenants of lands of which they were once *proprietors*. No argument can be drawn from the sense of the term "conquestor," which simply means a person who had acquired something without reference to the way in which it was obtained, whether it were obtained in the way of what we term conquest, or in the way of legitimate succession.

Thus much may be said in answer to those who have denied the attributes of a conquest to the Norman occupation of England, and who on the contrary have regarded it as a legitimate succession to the throne of England, accompanied with no illegal dispossession of the proprietors of its soil, and with but little change of its laws and institutions. In the observations I have made on this view, I have given my implied opinion that the Norman settlement in England was truly a conquest, and at the same time I have indicated how far that conquest extended, and in what manner it was modified. There can, I think, be no reasonable doubt that to all intents and

purposes it was a conquest, in the accepted sense of the word. That it might have been more fully a conquest may be admitted. That it was not so extreme a conquest as some have contended, would appear from the fact that it was accompanied with a sufficient number of qualifying incidents to give room for the very question whether or not it *was* a conquest. It might have been attended with an entire abolition of the old constitution and laws, with an immediate dispossession of all the landowners, and with the expulsion of the inhabitants or their reduction to a condition analogous with that of the ancient people of Laconia under their Spartan conquerors. It is true that the Conquest of England by the Normans reached not these extreme limits; but that, in the proper sense of the term, it was a conquest, will be clear if we consider that it was effected chiefly by the force of arms, and that it involved the oppressive domination of a foreign ruler and his followers over a reluctant population, and the transfer of the greater part of the soil to their possession.

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#### TITLES, ANCIENT AND MODERN, COMPARED.

In Anglo-Saxon times, and for some time after the Conquest, *every title implied a real territorial jurisdiction*. A title was not a mere honour or privilege; it designated a certain function. Thus the Eorldeorman (Earl) of Anglo-Saxon days was set over a shire, and was a great magistrate, holding an office in the gift of the King and his "wise men." The ancient Earl answers most nearly to a modern Lord-Lieutenant of a county. His office was not hereditary, any more than the office of Lord-Lieutenant is now; though by the natural tendency of those days the son of the last Earl was very often appointed to succeed him. After the Conquest, the tendency to hereditary succession was greatly strengthened; but, on the other hand, as the power of the Crown increased, the official nature of the Earldom died out, and it gradually became a mere hereditary title of honour. Henry II. is considered to have put an end to the territorial jurisdiction of the Earls of Counties or Shires.

The word "Earl" was the Saxon for "Comes," or in Norman French "Comte," whence our "Count." The

Sheriff (shire-reeve) was his deputy in the government of the shire; in Latin his name was "Vice-comes," "Viscomte" in Norman French, whence our "Viscount."

These earldoms were held by the tenure of military service, *i.e.*, that is by having to attend the King in his wars with so many knights holding under them. The same remarks apply to the barons of such or such a place. Theirs was not an empty title, but implied the possession of the place from which they took their name, jurisdiction over the manor or honour of that place, and tenure by military service.

Gradually, however, as the feudal system became relaxed, the custom arose of the kings giving a title such as Baron or Earl, or as afterwards of Viscount, and still later of Duke, of such a place, without any corresponding jurisdiction over that place, or possession in it. They were then merely *titular* earls or barons *quoad* the place from which they took their title. *This* is the present condition of the English peerage; the members of it, who take their titles from such or such a town or county, are not therewith invested with any jurisdiction or office as regards that town or that county.

Often their titles are not even from any *place* at all, but are simply prefixed to their own family names; like "Earl Stanhope," whose family name is the same, or Earl Russell, whose family name is Russell. So Viscount Nelson. Sometimes when successful generals or admirals are raised to the peerage, they take their titles from foreign localities where they gained their laurels. Thus the Duke of Wellington was Marquis of Douro, from his celebrated passage of the Douro, and Earl St. Vincent was so named from Cape St. Vincent, where he won a naval victory.

The term "Lord" is altered from an old Anglo-Saxon word "hlaford," and is simply a word expressing power or dignity. All Lords are not peers; thus there are our Lords Chief Justice and the Lord Chief Baron, and every judge when on the bench is addressed as "My Lord." So also there are the *Lord* Mayors of London, York, and Dublin.

It may be remembered that the Upper House is called the House of *Lords*, though it is composed of five different ranks, and that all under dukes are usually

spoken of as Lord so and so ;—thus, the Marquis Camden is usually termed “ Lord Camden ;” Earl Stanhope, “ Lord Stanhope ;” Viscount Sydney, “ Lord Sydney.” We never say “ Baron Tracy,” or “ Baron Chesham,” always “ Lord,” etc.

Bishops are, of course, all “ My Lords.” They sit in the House of Lords by virtue of their baronies, *i.e.*, the temporalities of their sees, which they are considered as holding from the Crown, and for which on their appointment they always go through the old feudal ceremony of “ doing homage ” in person to the Sovereign ; nor can they enter upon their temporalities (*i.e.*, their palace and revenues) until they have “ done homage.”

The judges of the courts of Westminster (*i.e.*, the King’s Bench, the Common Pleas, and the Court of Exchequer) used, it appears, in former days to sit and vote with the Lords. But they have long ceased to have any vote in that House—they simply sit in it, and may be at any time, as they sometimes are, called upon by the House of Lords to give their opinion on some point of law on which the House desires to be informed, and they are bound by their office to give their opinions on the point referred to them.

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#### ANCIENT TITLES OF HONOUR.

The titles of honour under the feudal system all show by their derivation that they implied *duties* or *offices*. Thus, “ Duke ” is from “ dux,” leader, through the French “ duc.” “ Marquis ” meant warden of the *marches* or frontiers, the protection of which from hostile attacks was a post of danger and difficulty, and therefore of honour, in those turbulent times. “ Count ” is from “ comes,” a title borrowed from the later Roman Empire, where certain grandees of the court were termed “ comites,” as being in attendance on the Emperor, by whom they were employed on important missions, such as the government of districts, etc. “ Viscount ” is vice-comes, deputy of the “ comes.” “ Baron ” comes through Norman French, and is believed by some to have originally meant a “ man,”\* indicating

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\* This etymology is much questioned, but it is as likely as any other.



that the person so called was the "man" or subordinate of another in the gradation of feudal ranks. It was common to speak of an inferior as "the man," or the "liege-man," of his feudal superior, and the term "doing homage" (from "homme") is derived from this signification of the word "homme," a man.

The word "Knight" originally meant "servant," and in the feudal system it meant one who held under a baron by military *service*. The Latin of "Knight" in the feudal sense is "miles," soldier, a word sufficiently indicative of a function.

We must distinguish between the sense of the word "Knight" as a *feudal* term, and its sense as a term in *chivalry*. In chivalry, it was a term of honour only, and a king or a noble of the highest rank was proud to be a knight in the chivalric sense of the word. Besides knights of chivalry in a general sense, there came to be knights of *orders* in chivalry, like the garter. There were two crusading orders of knights—the Knights Templars and the Knights of St. John of Jerusalem. They were a kind of military monks, associated for the delivery of the Holy Land from infidels and for the succour of pilgrims, and bound by monastic vows. Chivalry itself came in about the time of the Crusades, as did the science of heraldry and the general use of armorial bearings and devices.

Returning to the titles under the feudal system, we may observe that, with the exception of "Lord," they all came in with the Normans. The Normans had borrowed them from the French, whose manners, language, and institutions they adopted immediately after their first settlement in Normandy, A.D. 912. The institutions of the French came partly from Charlemagne, the great Frankish Emperor, who took much from the institutions of Rome under the later Empire.

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#### THE FEUDAL SYSTEM—KNIGHT SERVICE.

I propose in this paper to give some account of the Feudal system in its military aspects. This system in its primary conception, as organized in England by the Conqueror, was a kind of armed occupation of a *conquered*

*country.* Each Baron's or Knight's residence was a fortress with a garrison in it, and a body of military tenants dwelling around it, ready to take up arms at the summons of their Lord. The King was the chief feudal Lord, or, as he was, and still is, called, the "*Sovereign Lord.*" Under him Barons held fiefs or feuds—in Latin the terms are "*beneficia*" or "*feuda*"—and when the King called out his Barons, they called out the Knights who held under them, and the Knights in turn called out their military dependents, so that an army was quickly set on foot in readiness for the field. When the King or any other feudal superior granted a fief or fee to an inferior, the new vassal *swore fealty* (*i.e.*, fidelity) to him, in a set form of words, and did *homage* to him as owing him subordination, in order that he might obtain the possession, or, as it was called, the "*investiture,*" of the tenure. The following was the usual form of doing homage. Unarmed and bare-headed, and upon his knees, and with his hands placed within those of his lord, the new vassal repeated these words, "Here, my lord, I become your liege man of life and limb and earthly worship, and faith and truth I will bear to you to live and die. So help me God." This ceremony was concluded with a kiss, and the "*man*" (for such was his name), was thenceforward bound to respect and obey his lord, the lord to protect the "*man,*" and to warrant him the possession of his fee. But in England, William the Conqueror wisely made an alteration in the words of the oath. Sub-tenants, that is, persons holding under the King's *tenants in capite*, as his immediate tenants were called, or holding under others below them, swore to be true to their respective lords against all men but the King and his heirs.

After the ceremony of homage the vassal received in due form the investiture of his fee, and was thenceforward bound to render to the lord *the suit and service* attached to it.

It must be borne in mind, as a fact explaining some of the incidents of feudal tenure, that originally, and in its first intention, a fief or fee was not of an hereditary nature, and that at the death of the holder, the tenure reverted to the disposal of the lord. The reason of this provision is obvious; for, as military service was the purpose for which the fief was granted, that purpose would be defeated, if a person incapable of such service

should succeed to the fief. Nevertheless, in process of time, fiefs became for the most part hereditary. Feudal tenants would naturally wish to be succeeded by their children. The children would, of course, wish to be their fathers' successors, and feudal superiors would from favour or kindness, or weakness, or even policy or interest, be often willing to grant fiefs to the representatives of the former holders. Thus a fief gradually became an hereditary tenure. But still there continued all along some assertion and recognition of the original life-tenure of a fief.

Thus, when a feudal tenant died, his next heir was obliged to make formal petition to be admitted to the tenure. It became a matter of course that he should be admitted; but he was obliged to pay a sum of money for his admission. This payment was an important incident of feudal tenure. It was technically termed a RELIEF, from the Latin word, "*relevare*" (to take up again), as being paid when the heir *took up* the fief held by the former tenant. The amount of the relief was at first determined purely by the will of the lord; but in process of time it came to be a customary sum. The question, in fact, of the amount of reliefs was a fertile source of dispute between the lord and his tenants. It was so in particular between the king in this country and his feudatories, and forms the subject of one of the provisions of Magna Charta, which regulates the amount of reliefs to be paid to the King.

Another vestige of the original non-hereditary nature of fiefs was this, that if a tenant died while his heir was a minor, the king or other feudal superior took upon himself the care or *wardship* of the minor, and received the proceeds of the fief till the minor came of age. This *wardship* also gave rise to disputes between the King and his feudatories.

But if the feudal tenant left only a female heir, she was obliged, in order that she might succeed to the fief, to take for a husband the man whom the superior lord might choose for her. It was usual to give her the choice of three whom the lord presented to her. If she refused to marry any one of them, she was obliged to forfeit the fief, or she might be permitted to pay the amount of money which her husband, had she married one of the

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men whom the lord had named to her, would have had to pay to the lord. This was called the feudal incident of *marriage*.

If a tenant wished to alienate either the whole or a part of his fief, he was obliged to obtain the consent of the lord under whom he held, by paying him a sum of money called a *fine*. The amount of these *fin*es was a frequent matter of dispute between the kings and their feudatories, and, no doubt, between other feudal lords and their tenants.

If a feudal tenant died without an heir, the fief reverted wholly to the lord. This reversion was called an *escheat*. The fief was said to "escheat" to the lord. The word is probably derived from the old French verb "*escheoir*," to fall.

If a tenant failed in his fealty or duty to the lord, he would be deprived of his fief. This deprivation was called *forfeiture*, (*foris factura*, in law Latin).

There were various payments also made to the lord by his tenants on various occasions. These payments were called *aids*. The occasions on which they were to be paid depended on agreement and custom, and were a great subject of dispute between our kings and their feudatories. In Magna Charta we find that the occasions on which *aids* were paid were limited to the three following: 1, When the king's eldest son was knighted; 2, when his eldest daughter was married; 3, when he was to be ransomed from captivity.

The chief incidents, therefore, of feudal tenure were, besides Fealty, Homage, and Service, the following:—  
1, RELIEFS; 2, WARDSHIPS; 3, MARRIAGE; 4, FINES;  
5, ESCHEATS; 6, FORFEITURES; 7, AIDS.

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#### THE FEUDAL SYSTEM.—TENURE BY SOCAGE AND VILLAINAGE.

Besides tenure by knight's service, which was the chief and more honourable part of the feudal system, there was the tenure by "socage," that is, by services of husbandry, or of a menial nature. The probable derivation of the word gives an idea of the nature of the services in question; for "*soc*" in French means a ploughshare. A great variety of classes, and of subdivisions of classes, were comprehended under the generic term of socmen,

or tenants in socage. It will be sufficient to say that these classes ranged from those who held in "free socage," and were like farmers of the present day, paying rent in kind or money as their *service*, down to the holders in "villain socage," who had small tenements, and performed minor acts of service or labour towards the lord.

There were two great divisions of the villains, or holders in villain socage—*villains regardant* and *villains-in-gross*. The "villain regardant" was attached to the manor, and could only be alienated with it; the *villain-in-gross* was attached to the person of the lord, and could be transferred from one lord to another. The name of "villain" is derived from the word "villa," the demesne of the lord. Among the villains regardant there were several classes—the "boors," who approximated most nearly to free socage-men; the *bordarii*, from the Saxon word "bord," a cottage; the "cotmanni" or "cotarii," who held cottages from the lord, paying rent or doing services to their lord. Between the "bordarii" and the "cotmanni," the shade of difference, if there were any difference, is indiscernible.

Whether or no the villains-in-gross included the most degraded class in the community,—the bond-men and bond-women, who are called in Domesday Book "servi" and "ancillæ"—is not clear. Among these servi and ancillæ, there were included farm-labourers, shepherds, ploughmen, dairymaids, and the like. It is thought by some, that the villain-in-gross was distinguished from this order by being connected with a tenement, however small, while the bondmen had not that privilege, but was wholly dependent on the lord for abode and subsistence.

It is remarkable how rapidly, in the course of the history of feudal times, the condition of the villains and bond-class was improved. By the time of Henry VII., villainage-in-gross and serfdom were almost entirely extinct. The last instance of the sale of a villain or serf occurs in the reign of Queen Mary, and is so singular as to mark the obsolete state of the institution of villainage-in-gross and serfdom. It is the "exception that proves the rule," just as the discovery of a solitary swallow in winter is an argument that swallows migrate before it, as, if they did not, many more swallows than one would be found in that season.

The complete, and, as it would appear, rapid disappearance of villainage-in-gross, or serfdom, is difficult to be accounted for, as no act of the legislature interposed to abolish it.

We may suppose that the influence of Christianity and the authority of the Clergy, who in feudal days were the great patrons of the poor, helped greatly towards this end; for it was not an uncommon practice for lords, as an act of penitence or of charity, to liberate men of this class, especially by their last wills.

It would appear also, that the Barons, in contending with the King, called in the aid of the lower classes, and repaid that aid by allowing them to rise from their original low condition.

The law, too, and its ministers did much to protect them from oppression, to elevate them from their abject condition, and to free them from entire dependence upon the will of their lords, in regard to the duration of their tenures and the extent of their services.

The increase of civilization would also naturally tend to elevate the condition of the villains and serfs, by humanizing their masters, and inspiring these lower classes themselves with the desire and determination to rise from their depressed condition. The two great risings of these classes, the one in the reign of Richard II., and the other in that of Henry VI., evidently were efficacious in promoting their emancipation.

But of the effect and consequences of these insurrections, I propose to speak more fully at a later part of this work.

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#### DECAY OF THE FEUDAL SYSTEM.

The feudal system remained in its vigour in England so long as the conquering race were compelled to keep down by force of arms a reluctant and mutinous population, who were galled by the freshness of the yoke. But when resistance was now at an end, and as the two nations began first to live together in something like harmony, and then to be fused into one nation, and social life resumed its usual tranquil tenour, the chief object for which the feudal system, in its military aspect, existed, began to cease. The decay of that system accordingly set in. The only purpose which it could now serve was

foreign war; but for this purpose it was extremely unsuited. The Baron was bound to serve no more than forty days in each year—other tenants, by knights' service, were bound for certain limited periods, according to the extent of their tenures; and thus, if the war continued, as it might easily continue, for a longer time in the year, the feudal array might melt away when it was chiefly wanted. Again, as the habits of men became more peaceful, and their energies were turned to the pursuits of civil and domestic life, they would be more and more unwilling to answer the frequent calls of their sovereign to the field; and, as they became less on the alert and kept themselves less in readiness for war, they would lose much of their martial discipline, and would be inferior in the field to men who made a regular profession of fighting. Through the operation of such causes, the practice was introduced, in the reign of Henry II., of allowing the military tenants of the crown to commute their stipulated services for a money payment. Thus, the King could have the means of keeping up a regular force, and the barons and their followers would be saved the trouble and interruption of being obliged to obey the summons of the King to the field of foreign warfare.

It is important to notice the introduction of this practice of commuting military service for money payments, for it is generally recognized as the first clear symptom of the decay of feudalism. The payment itself was called "scutage," or "escuage," from the Latin word "*scutum*," a shield, because it was the amount of so much money for every one *bearing a shield*, who would have served with the lord. When this practice became general, the military spirit and discipline of the feudal array would, of course, rapidly degenerate.

I may mention, in passing, that the amount of scutage to be paid to the King became a subject of frequent disputes between him and the barons. In Magna Charta, we find it ordained that the scutage should be levied only by consent of the assembly of the barons.

Another great inroad into the feudal system was made by the practice, which extensively prevailed, of giving or bequeathing land to religious establishments. The land so conveyed would, originally, have had to maintain so many military retainers; but, when it passed into ecclesiastical hands, it ceased to bear this charge, and was in

law said to be held in mortmain, (*in manu mortuâ*), as being held by persons who did nothing in the way of military service. The kings, and especially Edward I., struggled hard to moderate this system of giving up lands to religious purposes, and Edward passed the celebrated "Mortmain Act," by which it was ordained that no grant of land should be made for religious purposes, except with the king's licence. It must be observed, that very often this granting of land to religious houses was a mere pretence, and a collusion between the lord and the ecclesiastical body with whom he was dealing. It was thus transacted. The lord, wishing to escape from the burthen of providing military service, or scutage and the other payments to which his tenure was subject, made over his estate nominally to the monastery, which, in its turn, gave him a lease of it at a trifling rent, to be paid by him to the monastery. Hence, the lord managed to enjoy the estate relieved of its feudal obligations. The Mortmain Act of Edward I., repeated by various of his successors, was ineffectual, in the long run, to prevent the alienation of the land to religious houses. Certain ingenious legal fictions were devised, by which estates were practically conveyed to those establishments. Moreover, it was soon found that these legal fictions were applicable to the alienation of lands in other ways than the endowment of religious establishments. Hence, a large portion of the landed property of the kingdom became free from feudal charges. At last, at what may be considered as the end of the feudal period, Henry VII. passed an act legalizing the alienation of lands, and thus gave a finishing stroke to the genius of the feudal system.

Thus much may be said of the alienation of land from feudal tenants through the operation of mortmain and of legal fiction, as one of the chief causes of the decay of feudalism. The Crusades also tended powerfully to this end, inasmuch as barons and knights, departing for the Holy Land, sold their lands to a very great extent in order to raise money for defraying the expenses of their expeditions. These lands would thus be relieved from feudal charges, especially as they fell very much into the hands of the monks and other clergy, to whom they were either sold, or mortgaged without redemption.



The Crusades in other ways tended very much to the break up of feudalism, by creating a totally new and absorbing interest in the general mind, by placing all the soldiers of the cross very much on a level with each other through a community of feeling and object, and by introducing in their results extended commerce, and the arts, sciences, and literature, which at that period had taken refuge in Eastern lands. All these interests, being very adverse to the spirit of a great military organization like the feudal system, must have greatly hastened its destruction.

I will mention last, but not least, another cause of the decline of the feudal institutions, the multiplication of free and corporate towns, institutions which created a new power in the state, independent of feudal power, and very much opposed to it. War, and a strict subordination, pushed often to a servile subjection, were the life of feudalism; peace and liberty are the tendencies of civic life and of the commercial pursuits which usually attend it.

At the time of the Crusades it was a common practice with kings and other feudal superiors to sell charters, which embodied important franchises and privileges, to the towns in their demesnes, in order to obtain money for their expeditions to the Holy Land.

It was also the policy of kings to grant to the towns charters, exempting them from feudal subjection, in order to form a counterpoise to the power of the aristocracy. The wealth, which commerce, favoured by liberty, introduced into these towns, enabled the burgesses, as the citizens were called, to rival, and sometimes even to eclipse, the barons in importance and power. The union, too, which subsisted among the citizens of a town, incorporated by charter, would enable them to oppose a formidable front against the power of the barons.

These cities and towns, again, were fortified and garrisoned by the citizens, and thus were able to make head against the feudal lords. And whoever was admitted to the freedom of the town, or even had resided within its walls a year and a day, became by law a free man exempt from all subjection to a feudal superior. Hence it became common for villains and serfs of feudal domains to run away into these towns, and thus escape from the yoke of feudal servitude.

Such then, as I have above attempted to state them, were the causes which brought about the decay of the feudal system in England. I propose to continue the subject of its decay (and fall) in the next paper of this series.

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