

## ILLUSTRATIONS OF ENGLISH HISTORY.

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*(Continued from page 267.)*

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### No. V.

#### INSURRECTIONS OF THE COMMONS IN 1381 AND 1450, AND THE EXTINCTION OF SERFDOM AND VILLENAGE.

The following statement on these two subjects, closely connected together as they are, is from a contemporary but anonymous pen:—

In the insurrection of the Commons of England, as it is styled, under Wat Tyler, produced, doubtless, by harsh conduct towards the common people, and carried on in many respects with undue violence—as a mob excited with success are most likely to act—it is worth while to observe the comparatively moderate nature of the demands then made.

1. The total abolition of slavery for themselves and their children for ever.

2. The reduction of the rent of good land to fourpence per acre.

3. The full liberty of buying and selling in all markets like other men.

4. A general pardon.

Now in all these demands, except as to the rent of land, there will be considered, according to our present ideas, nothing but justice. They show that even in those times the common people of England were not deficient in that good sense and moderation which we make it our boast that they still possess. The popular cry was for “King Richard and the Commons,” very different from a tocsin which has in later days sounded in our ears for “Liberty and equality.”

Seventy years after, that is in A.D. 1450, another demonstration on the part of the people, under the indi-

vidual Jack Cade, did service by helping the people to their right position.

In 1381 the demands were confined to the abolition of the system of villenage or slavery, and the enjoyment of such rights as, being men, they were entitled to. *In 1450 no mention is made of villenage; that was settled.*

What was now insisted upon was the redress of public grievances, such as—

The profuse waste by the King of the revenues of the crown, the illegal seizure of the property of the subject, and the exclusion from offices of the government of persons of the highest rank and greatest national influence in the kingdom, in favour of foreigners and low-born ministers.

The extortion of collectors of taxes; and  
Delay in the administration of justice.

In all these there was nothing of that levelling spirit which we are now accustomed to look for in popular demonstrations. On the contrary, a spirit of devotion to authority seems paramount, accompanied by a keen sense of wrong, and a manly determination that it must be redressed.

About and just before this time, a great, though insensible, amendment in the condition of those classes had taken place in the general transformation of the villeins into freemen; and, although some delay and impediments were interposed by private interests before the total change was effected, it still went on, whether caused by the act of the serf himself, by flying from his master, and his residence in some town for a year and a day, and thus acquiring what constituted freedom, or else by the free action of the masters themselves, or else by the very change of the terms of their servitude. Thus the "villain regardant" became the copyholder, and the "villain in gross" the "free labourer."

Thus at the end of the fourteenth and the commencement of the fifteenth century was an end put to a system which depressed the energies of the people and kept them in a condition without hope or redress.

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## GROWTH AND PREDOMINANCE OF PAPAL POWER IN ENGLAND.

For a thorough knowledge of English history it is necessary to have a fair knowledge of the ecclesiastical part of it, which is much intertwined with our civil and constitutional annals. A reference to the history of the English Reformation, and of its manifold consequences, will amply illustrate this remark.

But the history of the Reformation cannot be duly appreciated, nor its causes or its necessity be clearly perceived, without some knowledge of the previous history of the English Church, particularly of the nature and extent of the power which the occupants of the See of Rome then exercised over it.

During the period of the Anglo-Saxon monarchy the Roman Bishop had but little if any jurisdiction over the Church of England. The Normans may be said to have introduced it into this country.

The Conqueror was a loyal adherent of the Papacy, to which he owed a debt of gratitude for the powerful moral support in his invasion of England which he received from the Papal sanction of his enterprise.

William, however, took care to employ the Papal power for the furtherance of his own views, as in the degradation of the Primate Stigand and other Anglo-Saxon prelates; and he firmly checked its pretensions when they appeared to clash with his own authority. Nor can any stronger proof of William's force of character, and of his greatness as a politician, be adduced than the effectual stand which he alone, of all the sovereigns of his time, made against claims advanced by the mighty Hildebrand, Gregory VII., his contemporary on the Papal throne.

In this policy he was followed by his two sons and successors. It was in the disturbed reign of Stephen that the Pope was enabled to extend his authority beyond the bounds which the first three Norman kings had set to it. In this reign he gained a step for which he had previously striven in vain; authority independent of the king's to hold in this country, under the presidency and commanding influence of one of his legates, ecclesiastical councils for the enactments of laws, or, as they were

called "canons," by which the affairs of the English Church should be regulated.

Under Henry II., although that powerful monarch was a decided enemy of Papal encroachments, the Pope nevertheless gained great advantage from the results of the contest of Becket with that monarch.

One of the constitutions which he made at Clarendon had, as we have seen, been directly levelled against the Pope's appellate jurisdiction, while the general tendency of these enactments was obviously adverse to Papal interests and pretensions; but the strong feeling excited in favour of the cause to which Becket was considered to have fallen a martyr, hindered these constitutions from being carried into effect, and thus afforded a triumph to the Pope over the English King.

Under King John the Papal power, then wielded by the resolute and politic Innocent III., made great advances in this country, assuming a considerable share in the management of the affairs not only of the church, but of the realm also, and even obtaining so complete an acknowledgment of its supremacy as a cession of the crown, to be held by John and his successors in fee from the Papacy.

During the reign of Henry III. the Pope asserted with eminent success all his pretensions of interference in the concerns both of the church and the realm, and his power in England may be said to have reached its zenith.

One of the principal causes which facilitated the extension of Papal power in England was the recourse which several of our kings had to that power for aid in coercing their subjects, and in levying contributions upon the clergy.

The recourse which our kings thus had to Papal authority, of necessity tended greatly to exalt that authority in this country; while, to purchase the support of the Pope, the kings were obliged to make large concessions to his claims. In fact, to use a common expression, the two potentates, for their respective ends, often played into each other's hands in encroaching upon the rights and purses of the English Church and people. This kind of joint proceeding may especially be observed in the reigns of Stephen, John, and Henry III. After-

wards, when the Pope of the time being used his assumed authority adversely to the wishes of the English King, frequent contests took place, in which the King would call in the aid of his Parliament against his Papal opponent.

One of the chief points for which the Pope, in prosecution of the settled policy of his see, contended, and which he gained in varying degrees at different times, was the drawing to himself of *appeals* in all questions of an ecclesiastical kind, and in all causes which came before the ecclesiastical courts of England. As these courts dealt with a great number of important subjects of litigation, including wills, marriages, and the rights of widows and orphans, it is evident how much influence the Papacy must have exercised by means of its appellate jurisdiction. The practice of appeals enabled a suitor in any of these courts, at any stage of the suit, to hinder or protract the process by transferring it on appeal to Rome. Nor was the Pope's appellate jurisdiction merely in itself a substantial element of power, it also enabled the See of Rome to secure another very important prerogative. It was the steady policy of the Church of Rome to use the acquisition of one point as a vantage-ground for reaching at other points.\* Accordingly, when it had established its appellate power, it soon began to employ that power as the means of obtaining the disposal, in great measure, of the bishoprics, abbeys, and other preferments in the English Church.

In the next paper will be explained the gradual manner in which this power of ecclesiastical patronage grew out of the appellate jurisdiction which the Pope had established in England.

I proceed to notice the immense wealth which the Romish See drew from the country. As this wealth greatly strengthened his power, so also the taxation by which the Pope was enriched, was a constant and successful assertion of his authority. He succeeded in establishing a claim to receive "first-fruits," or, as they were also called, "Annates," that is, one year's revenue of all the benefices in England above a certain value.

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\* It has been remarked that the popes seemed to have inherited from ancient Rome the ambition and arts of empire, though the weapons used were often of a different kind.

Again he received "tenths," that is, a tenth part of the annual income of the benefices. He also collected from the people at large a yearly tax called "Peter's pence." A remnant of this last contribution may still be seen in many churches on the Continent, where a box is set up for the reception of the "Denier de St. Pierre," which, however, is now a purely voluntary contribution. All of these channels by which money flowed into the Papal exchequer were suddenly stopped by Henry VIII., who, however, diverted to his own use and that of his successors the above-mentioned "first-fruits" and "tenths."

It may be mentioned, in passing, that these two taxes on the benefices of the clergy are still collected according to a valuation made in the reign of Henry VIII.; but that, in pursuance of a statute of Queen Anne called the "Bounty Act," the proceeds of them are applied to the augmentation of small livings.

We thus see how extensive a supremacy the Pope had established over the Church of England: making laws for it by means of the councils which he held in England under his legates; regulating many of its affairs; deciding questions that arose in it; judging in a great multiplicity of causes that came before its courts; appointing, to a great extent, its prelates and other dignitaries; and raising from it a large amount of taxation.

The monks and particularly the friars were the principal upholders and promoters of his authority in England. They were, to a great extent, exempted by him from the jurisdiction of the bishops, and were made subject to his visitation alone, and were thus, practically, left under very little authority of any kind—a fact which goes far towards accounting for the extent to which the monastic discipline became relaxed. Monks and friars looked up to the Pope as their sole superior, while friars were especially employed by him to subserve his interests and administer his affairs, pecuniary and other, in the kingdom. Hence, when the time of the Reformation at length came, Henry VIII. and his advisers felt that, in order to extirpate the Papal power from this country, it would be necessary to demolish its great strongholds, the monastic establishments.

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## PRÆMUNIRE AND PROVISORS.

The claims of predominance over the English Church which, previously to the Reformation, the Popes asserted, and which they made good to a great extent, though in varying degrees at different times, led, as we know, to frequent contests between our Kings and their Parliaments on the one hand, and the Papacy on the other.

In these contests, the statutes of Præmunire and Provisors (as they are called) played an important part. Let us inquire into their nature and history. As I observed in the last of these papers, one of the principal methods by which the Popes extended their authority was drawing to themselves *appeals* on any question that might arise in Church matters. Among other matters on which appeals were often made were the elections and appointments to bishoprics and other ecclesiastical benefices, about which disputes had arisen. At first the Popes only pronounced between the contending parties who claimed the disputed appointment. Then they would sometimes, after setting aside both the claimants as unduly appointed, ordain a fresh election or presentation. Afterwards, on rejecting both the contending claimants as unduly appointed, the Popes gained the further step of appointing by their own authority some third person to the vacant benefice.

At last they took it on themselves to appoint absolutely, *without* any dispute about the appointment having arisen. This they called "providing" a successor, whether a bishop or other ecclesiastic, and the proceeding was called a "provision," the person whom they appointed being the "provisor," so called. As it may be supposed, the proceeding was often stoutly opposed by the electors or patrons of benefices, and by those individuals whom the electors or patrons endeavoured to appoint to vacant benefices.

What made the grievance more deeply and widely felt was the frequency with which the Pope appointed to these preferments foreign ecclesiastics who resided out of the kingdom. The matter was brought as a grievance before Parliament as early as the reign of Edward I., and a succession of Acts about it were passed, beginning with an Act of Edward III., in 1343, and ending in an Act of Richard II., in 1393. This last Act effectually stopped the practice

of Papal "provisions." All these statutes are called the statutes of "Provisors and Præmunire." The word "præmunire" is a corruption of *præmoneri*. The Acts are called by this name because the writ, issued by one of the courts of Westminster preparatory to a prosecution under these Acts, began with the words—"Præmoneri facias,\* Forewarn," etc.

Thus, then, we may see the etymology of the expression, "Acts of Provisors and Præmunire." It is an elliptical and obscure expression, intended to denote certain Acts passed to prevent the Pope from putting his nominees or "provisors" into English benefices, and to inflict on persons aiding the Pope in such attempts certain penalties which would follow conviction under a legal prosecution, of which the first step would be the issuing of a writ from one of the Courts of Westminster, affecting persons accused of violating these Acts, and commencing with the word, "Præmoneri facias."

The practice of "provisions" was applied to every kind of benefice, from bishoprics and abbacies down to rectories and vicarages, whether the proper patron of them were the king, the higher clergy, or laymen. The pretext of the Pope was, that he was thus enabled to maintain persons who served him in the government of the Western Church.

To illustrate these "provisions," and the manner in which they were resisted, an account shall be given of the occurrences which took place with regard to one of them. This account will furnish a specimen of these proceedings, and will also show how they were finally stopped. In defiance of all the previous Acts of Provisors and Præmunire, the Pope, in the year 1391, during Richard II.'s reign, gave to an Italian cardinal a provision to a prebend then vacant in the Cathedral of Wells. The King, who was the proper patron, presented another man to the prebend. It must be premised, that before any one can enter into the possession of a prebend or other living in the Church, he must first be *instituted*, as it is called, by the bishop of the diocese.

Now, in order to *compel* a bishop to institute a "provisor," the Pope used to hold over the bishop's head

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\* See Lingard's "History of England."



either the penalty of *excommunication* or the threat of translating him to some See out of the kingdom. In the particular instance of which I am now speaking, the bishop was willing to institute the King's nominee instead of the Pope's "provisor," but, of course, felt a difficulty about disobeying the Pope's orders; and the Parliament came to the bishop's succour, by passing (in the year 1393) the last and most comprehensive of all the Acts of Provisors and Præmunire. In this Act it was ordained, "that if any man pursue or obtain in the Court of Rome such translations, excommunications, bulls, instruments, or other things *against the King's Crown and regality, or kingdom*, or receive, notify, or execute them, such person or persons, or their aiders, shall be out of the King's protection, their goods, chattels, lands, and tenements shall be forfeited to the King, and their persons imprisoned." This enactment, by removing the bishop's apprehensions of the consequences of disobeying the Pope's command, stopped the Pope's "provisor" from being appointed to the prebend of Wells, and further, as I have mentioned, put an end to all attempts on the part of the Popes to *provide* persons to benefices in England.

The statute would work in this way: though the Pope might issue a Bull or other instrument, excommunicating or translating out of the kingdom a bishop who had refused to institute the Papal nominee (or "provisor"); yet, because of the penalties of the Act, persons would be deterred from bringing the Bull into the kingdom, or notifying it, and the Bull would thus remain inoperative even if brought in. In passing from this topic, I would briefly mention, that when Henry VIII. turned against Wolsey, he brought him within the penalties of the Acts of Provisors and Præmunire, as having introduced Papal Bulls, in violation of the terms of these Acts.

The term "præmunire" is still in use in our law, to denote the *penalty* specified in these Acts of "Præmunire and Provisors"—a penalty to which, by an Act of Henry VIII., any dean and chapter, for example, would be liable for refusing to elect a bishop whom the Crown recommended to their choice.

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## HENRY VIII.'S CONDUCT AS REGARDS THE REFORMATION.

Henry VIII., though endowed with much force of character, was, from his capricious disposition and the ungoverned violence of his temper, very inconstant in his conduct, and, though he had good abilities, and, for the times, considerable learning, he was not a wise man any more than he was a good man; hence he was for the time very much swayed by his wives and chief advisers, so long as they remained in his favour.

Accordingly, his conduct with regard to the Reformation was full of inconsistency. While Queen Catherine and Cardinal Wolsey were in his favour, he was strongly attached to the Popedom and the Roman religion, and even wrote a book against Luther. When Anne Boleyn was his queen, and Cromwell held the chief place in his confidence, he disavowed the Pope, and went into measures favouring the Reformation.

After the fall of Cromwell, he went vehemently into Romanizing measures; for, though he never gave his *entire* confidence to any one after Cromwell's execution, he was now considerably guided by the counsels of the Romish party at court, at the head of which were the crafty Gardiner and the Howards. Towards the end of his reign he withdrew much of his favour from these advisers, and leaned more and more to his son's relatives, the Seymours and their party, who were favourable to the Reformation. He was also at this time married to a favourer of the Reformation (Catherine Parr). Accordingly, at this last period of his reign, he was rather inclined again to further the Reformation.

It would, however, be a mistake to suppose that the course of his policy with regard to the national religion was entirely the result of his private caprices and favouritism. He was much guided by the changeable temper of the times in which he lived. The Romish and Protestant parties were nearly equally balanced, and he kept the balance between them, sometimes making it to preponderate on one side, and sometimes on the other. At first—I mean at the time of the divorce question—the Papacy was extremely unpopular, and the nation went very generally with him in casting off the authority of the Pope.

But the violence, cruelty, and rapacity shown in the suppression of the monasteries, which followed the rejection of the Pope's authority, and the greatness of the change effected in doctrine and ceremonies, evidently shocked the minds of people, and produced a reaction in favour of the old religion, as was shown by the Lincolnshire rebellion, and the "Pilgrimage of Grace" in Yorkshire. Accordingly, just after these insurrections came the Six-Article Act (1539), which affirmed, under the severest penalties, some of the extreme doctrines of the Church of Rome. The prosecutions under this sanguinary law, which were very bitter, and under which the Reformers showed very great constancy, appeared to have caused another reaction in the public mind towards the Reformation; and we thus find Henry, towards the latter part of his reign, passing an Act to mitigate the Six-Articles Act, and going back in some degree into a line of policy favouring the Reformation. And it would seem that he meditated going still further in this direction, when death cut short his designs.

The result of all this is, that while Henry VIII. was in heart an adherent to many of the superstitions of Rome, and while he really cared but little for either Romanism or Protestantism, and was devoid of true religious principles, his conduct in these matters was guided partly by his own caprice and his favourites for the time, and partly by considerations of state policy.

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#### THE DISSOLUTION OF MONASTERIES.

This was an event of great importance in the history of the Reformation, and of deep, and in some degree melancholy, interest. Before we speak of the demolition of the great fabric of monasticism in England, it will be well to revert to the history of its foundation, of its structure, of the design with which it was reared, of the uses and purposes which it served, and, lastly, of the decay into which it fell, and the abuses to which it was perverted.

Monasteries existed in England before the Conquest, and, indeed, before the mission of Augustine to England. After that event a considerable number began to be

scattered over the country. Dunstan, who was Archbishop of Canterbury from the reign of Edgar to that of Ethelred, and the leading spirit of his age in England, was a zealous promoter of the monastic system.

The foundation or endowment of a monastery became a favourite form in which the religious munificence of kings and nobles was displayed. After the Conquest the establishment of new monasteries went on still more rapidly; especially till about the commencement of the 13th century, but even in that century not a few were founded. The 12th century, a century especially marked by its religious zeal here and in other lands, was that in which the foundation of monasteries chiefly prevailed.

A great many motives, no doubt, conduced to the multiplication of these institutions. Sometimes it was sincere piety, zeal, and charity; at other times it was the desire to secure the prayers and masses of a number of religious persons in perpetuity for the supposed benefit of the souls of the founder and his family. Often it was the tardy remorse or repentance of a dying man, who had committed acts of violence, rapacity, or extortion, or his desire to make a restitution of property unlawfully seized. The idea of a monastery was that of a society of men who have withdrawn themselves from the cares of the world and renounced its ordinary pleasures, in order that they might give themselves up to an undisturbed life of worship and religious contemplation. The institution owed its origin to a desire to escape from the temptations of the world, and from the hindrances it offers to a life of piety and holiness.

At the same time it was provided that the members of these bodies should obey the great law of toil; some orders of monks, accordingly, like the Cistercians, were bound by their rules to apply themselves to manual labour in the cultivation of the soil; others, such as the Benedictines, to literary and scientific pursuits, such as studying and copying out the ancient classics, the Scriptures, books of devotion and the works of the fathers, studying and practising the art of medicine, paying attention to natural science and arithmetical and mathematical studies, illuminating and painting manuscripts, teaching scholars in the monastery, etc. By these means they would, it was thought, escape the reproach of being useless

members of society, and of contributing nothing to the temporal welfare of the civil community. Accordingly, "orare et laborare" was the current description of the duties of monastic life.

All monks, in assuming the cowl, took the three vows: 1, of *poverty*; 2, of *celibacy*; 3, of *obedience* to their superior's commands.

Almsgiving, the care of the poor, and hospitality to travellers, were recognized as especial duties, and were very largely practised by the monks. There is no question but that the monastic system conferred great benefit on mankind, especially during the worst part of the middle ages. In those dark and turbulent times the monasteries kept alive the lamp of piety, and were the refuges of learning, science, and art. To the care of the monks we owe the preservation of the literature of Greece and Rome, of the works of the Christian writers of the earlier ages, and perhaps of the Holy Scriptures themselves. The monks were the especial friends and protectors of the poor and the oppressed. They reclaimed and made fertile, by their skilful and patient labours, vast tracts of waste and barren lands, and thus in no small degree contributed to swell the material resources of the countries in which they were settled.

But towards the time of the Reformation, it was felt, both in England and on the Continent, that they had done their work. The invention of printing and the growing intelligence of mankind, had begun to spread abroad the learning which hitherto had chiefly been confined within the walls of the cloister. At the same time monasticism itself had, to a very great degree, degenerated and departed from its original design.\* The monks had, to a great extent, become wealthy and idle, and often luxurious, and even dissolute. A secular spirit had deeply infected them. Their religion had become very much a matter of form and ceremony without its life; they had become the patrons of much error and superstition; and in some instances practised imposture on the public. The monastic life had become, to a great extent, a mere means of providing for the indigent and

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\* For an account of the state of Continental monasticism, at this period, the reader is referred to the descriptions given by Erasmus.

idle of all classes. Hence, when in this country, their dissolution was undertaken, the community was generally indifferent to their fate, and to a certain extent, prepared to welcome it; whereas two or three centuries before, no monarch, probably, had he meditated their destruction, would have been able to accomplish it, or even to attempt it, without braving the effects of public indignation.

It should be mentioned that one great cause of the degeneracy of spirit and conduct which led to their downfall, was the common practice of obtaining from the Pope *exemption* from the supervision of the *Bishops*, and of making the Pope himself their superior. The effect of this was that practically they were under no sort of inspection or control, and became thus a number of isolated communities scattered over the kingdom, "doing what was right in their own eyes," and with no authority over them to check any disorders that might spring up among them.

By the time that Henry VIII., under the advice of his minister, Cromwell, had determined upon their destruction, the monasteries had so far fallen in the general estimation, that the measure might be successfully attempted.

What led immediately to his determination was, his fear of the power of the Pope, with whom he had lately broken, and who had his firmest and warmest supporters in England among the monks, and especially among the friars, a particular order of monks. It seems to have been apprehended that either Henry must pull down the monks, or they would pull him down. Accordingly he began with the lesser monasteries, because the friars, the Pope's most zealous adherents, were all comprehended in them. It may be observed here that the friars (*frères*) were of a somewhat different kind from the ordinary monks. The class of friar was not established until the earlier part of the 13th century, and their earliest and principal orders were those of the Dominicans and Franciscans, so called from their founders, St. Dominic and St. Francis. Their principal difference from the monks was that they held, or professed to hold, no estates, were supported by alms, and were not confined to their houses, but travelled over the country begging, preaching, and

administering the offices of religion, and managing the Pope's temporal affairs. They were in fact a complete militia, so to speak, of the Pope's, to whom alone they were spiritually subject, and to whose service they were especially devoted. Hence it was determined to destroy their establishments, and in order to comprehend them, the fate of all the lesser monasteries, among which the houses of the friars were numbered, was sealed.

Accordingly in 1535, when Henry had two years before finally broken off all connection with the Popedom, when he was still under the influence of Anne Boleyn and the advice of Cromwell and other Protestant counsellors, the first step was taken for the destruction of smaller monasteries.

A number of visitors were sent all over the kingdom, nominally for the purpose of inquiring into the condition and administration of these establishments, but really to obtain charges against them which might serve as a plea to their destruction. The men employed for this purpose were a set of thoroughgoing tools of Cromwell's, obscure men of no repute or standing in the country, and, as their subsequent doings proved, men of a very worthless description. In the different monasteries upon which they pounced, they set themselves to work, intimidating and persuading the inmates to surrender their establishments to the King; and in many cases their efforts were successful. They collected by every means, foul or fair, a body of evidence against the houses which they visited. They carried off from them great quantities of treasure for the King's use, a fact sufficiently significant of one of the motives of their mission. On their return from their visitation, the evidence which they had accumulated was embodied in a "Black Book," which was laid before Parliament. This book no longer exists, but some of the letters of these visitors, reporting their proceedings to Cromwell, have come down to us, and if all the evidence these persons collected were true, it undoubtedly (to judge by their letters and by other remaining documents of the time) must have represented a terrible state of degeneracy, corruption, and wickedness among these establishments; though in a very few cases the visitors made favourable exceptions. Not much credit, however, is to be attached to the reports of persons of so little character

as these visitors ; especially as they were, in fact, only carrying out a foregone conclusion, and, so far from exhibiting any sort of judicial deliberation or impartiality, were judging parties who had already been condemned. They knew the purpose for which they were employed, and were zealous to forward the wishes of their employers. But whatever may be thought of the possible veracity of their reports, the Parliament, always subservient to the wishes of the King, immediately on the receipt of their report, passed an act in 1536, ordaining the dissolution of all monasteries with an income of £200 a year or less, and with no more than twelve inmates. It should be added, in order to explain the conduct of the Houses of Parliament in passing this act, that a perpetual immunity from taxation was held out to them as an inducement to their concurrence in the measure. It is to be observed that this act, expressly excepting the *greater* monasteries from its operation, bore witness to the good order and discipline which was maintained among them. This favourable testimony was doubtless given with the mere view of allaying or lulling the fears which the members of those institutions might entertain for their own security.

Now, however, the work of suppression and destruction went on rapidly with the smaller monasteries : their treasures were seized to the King's use, the buildings dismantled, the bells, lead, and materials sold ; the lands either retained by the King, to whom the Act of Parliament gave them, or granted by him to favourites, or sold at easy rates.

Here Henry paused for awhile in the work of destruction, though there is good reason to believe that, in spite of his declarations to the contrary, the suppression of *all* the monasteries in the kingdom, great as well as small, was even now designed.

Meantime, however, in consequence of the dissolution of the smaller monasteries, and the very scandalous and profane manner in which the visitors and their followers executed the measure, two insurrections broke out successively in the North, where it appears that the monastic system was more deeply rooted than elsewhere in the affections of the people. First, there was the Lincolnshire insurrection late in the year 1536, and immediately



after it the more formidable, because more extensive and better organized, revolt in Yorkshire and the neighbouring counties, which was called "The Pilgrimage of Grace."

This latter insurrection was nearly successful; the throne of Henry VIII. fairly rocked under him, and it was only by policy and artifice that the insurgents were induced to separate, and lay down their arms. It was found in the course of this rebellion that the insurgents had been liberally supplied with money, of which much had been contributed by some of the still existing monasteries.

This discovery seems to have impelled Henry to the immediate destruction of them all. That furious and vindictive monarch, who "spared none in his wrath," and never forgave any who had offended him, would not be likely to overlook the offence of those who had aided in an insurrection by which his throne was imperilled. Accordingly, it is to the aid which some of the greater monasteries had given to the risings in the North, that the resolution of Henry VIII. to destroy those establishments is generally ascribed. However this may be, certain it is, that in the same year that the Pilgrimage of Grace had been dispersed (1537), the visitors were set in motion against those monasteries.

Everything was done to rake up scandals and charges against them; accusations were welcomed from hostile and discreditable parties; many of the monks themselves were intimidated or persuaded into accusing themselves or their brethren or their superiors of crimes or misdemeanors; and promises, as well as threats, were unsparingly held out to induce the convents to surrender their monasteries into the king's hands. If the abbots or priors held out, the plan pursued, in some cases, was to *displace them*, and force the convents, by intimidation, to elect superiors who would consent to make the surrender. In at least three cases the resisting abbots were actually got out of the way by hanging them on charges trumped up against them for the occasion. The three to whom I refer were the Abbots of Glastonbury, of Reading, and of Colchester. The case of Richard Whiting, the last Abbot of Glastonbury, was a peculiarly cruel one; and the injustice of his fate has been of late years confirmed by the discovery of Cromwell's own memorandum-book,

containing the following significant entry:—"Item, to take order for the trial and execution of the Abbot of Glaston"! These and other abbots felt that they had no right to give up foundations which they had sworn to maintain, and which had been devoted to religious and charitable purposes; and they knew that the law was on their side, as their property had been secured by various Acts of Parliament and royal charters, while no Act of Parliament had been passed to compel the surrender. It may be asked, why was it thought necessary to obtain their consent to their own undoing, to extort from them the signature of deeds, by which they should give up their possessions? It should be observed, first, that the tyranny of the Tudors was almost always exercised under the forms of law; and in the next place, in order to sell the properties of these abbeys in a legal manner, and to furnish what the lawyers term a *title* to these properties, it would be necessary to show that they had been *surrendered* in a kind of legal form to the king, else it would be feared that these properties could not be sold, or, if sold, not sold for anything like their value. And lastly, if the apparent assent of these abbots and others could be adduced, the transactions would have a fairer appearance in the eyes of the world, which would not always know, or care to inquire, in what manner this assent was obtained. Thus went on the suppression of the greater monasteries. Those heads of them who refused to surrender by deed being either turned out, or put to death on charges invented for the occasion; for it was one of the iniquities of that age that the Crown could *always obtain a verdict against persons whom it wished to destroy.*

In the year 1539 (about two years after the attack on the greater monasteries had begun), the king obtained an Act legalizing the surrenders that had up to that time been made, and all others that might be made after the passing of the Act. In about another year after this every monastery in England had been suppressed.

The whole number of the monasteries, great and small, is reckoned at nearly nine hundred. The superiors of them, abbots, priors, etc., were pensioned off, or had preferments given them, more or less liberally according to the willingness with which they had consented to the surrender of their houses. The monks in general had a

pension of a trifling amount allotted them, but it is very doubtful whether the pittance was regularly paid to them.

An enormous quantity of gold and silver, in money and plate, of jewels and other valuable property, was confiscated to the king's use, the noble fabrics dismantled, and either partially or wholly pulled down, the materials sold, and the lands parcelled out to greedy courtiers and favourites, or sold or retained by the king. The tithes of parishes, which to a large extent had been appropriated by the monasteries, shared the fate of their other property, instead of being restored, as they clearly ought to have been, to the parishes to which they belonged. Hence the extreme poverty of many livings. Even to the present day those tithes, originally seized by Henry VIII., and given or sold away by him, are in the hands of laymen, who are termed in law, "*lay impropiators.*" For instance, the Russells, Dukes of Bedford, lineal descendants of a Russell of Henry VIII.'s Court, are at the present moment owners of the great tithes of thirty parishes, as well as of a considerable portion of the estates which had belonged to these houses. Many other noble families shared in the spoil, including the Cavendishes, the Cliffords, and the Seymours, and quite a new race of gentry sprang up on the numerous estates carved out of the monastic property. This dispersion of the spoils of the monastic property was, to a great extent, prompted by prudential considerations; the lands were given away, or sold at low prices to the nobility and gentry, with the view of allaying the discontent which these violent proceedings might create, and of gaining over a powerful party to the side of the Government. For this great and sudden change, and these wholesale confiscations, shook society to its very basis, and for a short time seemed to endanger the whole existing order of things. Even the landowners had been interested in the preservation of the monasteries, as these were establishments in which younger sons and poor relations often found a maintenance, and upon which the descendants of founders and benefactors were, in many cases, privileged to pension\* off decayed serving men. The poor, too, were even more interested in them, as they had derived from them a never-failing stream of alms, and other charitable aids.

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\* These pensions were called "corrodies."

Hence, under Cromwell's advice, the king adopted the politic method of giving away, and, to a still greater extent, of selling, at easy prices, the abbey-lands and tithes to the nobility and gentry, in order that by these means the leading men all over England might be pledged to an approval of the measure, and be "tied by the tooth." The whole transaction of the suppression of the monasteries in England is, for violence, craft, and rapacity, one of the darkest passages in our national history. It was carried out by an arbitrary tyrant under the advice of an unscrupulous politician, who cared nothing for the means by which he compassed his end, and who, on account of this ruthless transaction, received the appellation of "malleus monachorum," "the hammer of the monks."

Such was the *manner* in which this sweeping measure was carried out; but when the convulsion had subsided, and the immediate evils had passed away, when things had begun to flow peaceably in new channels, we may believe that under the working of that Providence who brings good out of evil, the *ultimate* results of it were, upon the whole, decidedly beneficial. The monastic system was apparently one which did so great violence to nature, was so contrary to the general order of society, and was founded on so overstrained a sentiment of religious zeal and devotion, that after the first fervour of the institution had died out, it could hardly help degenerating and declining in practice, and becoming lax and corrupt. We may, therefore, be glad that it was brought to an end, though of the badness of the means with which that end was put to it, one can hardly speak in terms sufficiently strong; nor can any justification be made for the rapacity of those who shared in the plunder of the *property* which had belonged to the monastic establishments, property which had been devoted to pious and charitable uses, and which, if taken from its then holders, ought to have been applied to such uses, though in a different form.

Promises, indeed, had been held out that the property of the monasteries should be so applied; and Cranmer and others had hoped that from it endowments would have been formed for the education of the clergy, and for other good purposes tending to the promotion of Christian knowledge and piety. But so lavishly had this property

been thrown away, that in a short time little remained for any such purposes; and five new bishoprics (Oxford, Peterborough, Westminster, Bristol, and Chester) were the only result of a magnificent plan which the king appears to have projected for endowing the Church from the spoils of the monasteries.

I have said nothing expressly about the *nunneries*, which were, of course, included in the general swoop of the Tudor eagle, and made no more resistance than a flock of pigeons would offer to the king of birds.

These helpless women were pitilessly turned adrift on the world, with even a more miserable pittance of compensation than that which was given to the monks.

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#### NOTES ILLUSTRATIVE OF THE DISSOLUTION OF THE MONASTERIES.

Though the great majority of the heads of the religious houses succumbed without resistance, and surrendered their monasteries to the demands of the visitors, from fear of the consequences of a refusal, and sometimes with the view of gaining the advantages held out as the rewards of speedy submission; yet among them there were some upright and conscientious men, who, feeling that they had no right to surrender establishments which they had sworn to maintain, and of which they were only trustees, strongly demurred to the requirements thus made upon them.

Of these, some, as we have seen, paid for their refusal with their lives. Others were turned out to make way for more compliant successors. Considerable numbers were imprisoned, and of these many died in the loathsome and crowded receptacles to which they were consigned, while not a few resigned indeed their houses, but resigned them with great misgivings and heavy hearts.

Of these last we have a lively example from the pen of one of them. A certain prior of Hinton Abbey (in Somersetshire) writes to his brother that it "was not his to give, being dedicated to Almighty God for services to be done to his honour continually, with many good deeds of daily charity to Christian neighbours." These sad and simple words, no doubt, expressed a very common

feeling among those who were placed in the same distressing position, in which their sense of duty pointed one way, and their fears in another, and who had neither the courage which would have prompted a refusal, nor the moral laxity which would have enabled them to comply without reluctance.

Sincere and pure-minded promoters of the Reformation were desirous that the property of these houses should be applied to religious purposes. Thus the honest Latimer openly rebuked the king for having converted a number of monasteries into stables, conceiving it to be a monstrous thing that "abbeys which were ordained for the comfort of the poor" should be kept for the king's horses. He also proposed that a few of the greater abbeys should be left for pious and charitable uses. For the Priory of Malvern especially he interceded with great earnestness, not that it should stand in monkery, but so as to be converted to "preaching, study, and prayer;" and then he adds, in a letter to Cromwell, fruitless indeed as the event proved that letter to have been, "Alas! my good Lord, shall we not see two or three in every shire changed to such remedy."

Cranmer was for considering the monastic property as still a sacred treasure, to be applied to sacred ends, and was desirous to see new and better foundations arise from it; houses attached to all the cathedrals, to serve as colleges for educating the clergy of the diocese in religion and learning, an addition made to the incomes of the poorer clergy, and the number of sees increased.

But greedy and sacrilegious rapacity had its way, and left very little opportunity for converting the property of the suppressed monasteries to the purposes which these excellent men, and others like them, had at heart.

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The following graphic picture is given by a historian of the Reformation:—

The progress of the Reformation was attended with many and sad excesses: monks and nuns turned out of house and home, pensioned indeed, but (except in the case of superiors, who were treated more leniently) pensioned with a miserable pittance, their dwelling-

places, beautiful as many of them were, laid low, that all hope of return might be cut off; their cells surrendered to the bats and owls; their chapels made a portion for foxes, the mosaic pavement torn up, the painted windows dashed in pieces, the bells gambled for, or sold into Russia and other countries; all and utterly dismantled, save where happening to be parish churches also, as was the case at Tewkesbury, Saint Albans, and Malvern and elsewhere, they were rescued, whole or in part, from Henry's harpies, by the petitions or pecuniary contributions of the pious inhabitants; libraries, of which most monasteries contained one, treated by their new possessors with barbaric contempt, some books reserved for their jakes, some to scour their candlesticks, some to rub their boots, some sold to the grocers and soap-boilers, and some sent over sea to bookbinders, not in small numbers, but at times whole ships full, to the wondering of foreign nations." These were some of the coarser features of those times; howbeit there were many besides. "For the churches of parishes were now often treated with gross irreverence, horses and mules were led through them, they were plundered of their plate by churchwardens and other powerful parishioners, who might argue that, if they spared, others would spoil."

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Some of the consequences of the great spoliation of the Church are mentioned by an historian. Education and learning suffered extremely. Many of the monasteries kept schools; these of course were done away. Some of the monasteries had colleges and halls connected with them at Oxford and Cambridge; these were also suppressed. Latimer, speaking in the time of Edward VI., says, "I think there be at this day ten thousand students less than there were within these twenty years."

From the impoverishment of the Church, the quality of the clergy was greatly lowered. In 1544, hardly any fitting men could be found to preach at the famous pulpit at Paul's Cross. The clerical profession no longer held out the same inducement to men of liberal acquirements to enter it. A very considerable proportion of the parishes of England were served by priests utterly ignorant, and often of low habits. The patrons had given their bene-

fices to their menials as wages, to their gardeners, to the keepers of their hawks and hounds. Often their patrons took the whole of the benefices to themselves. There remains a curious memorial presented to the Houses of Parliament shortly after the dissolution of the monasteries, by a certain Henry Brinklow, in which he says that in some parishes "there is no vicar at all, and only an old cast-away monk or friar, which can scarcely say his matins, is hired for twenty or thirty shillings, meat and drink. Yea, in some places, for meat and drink alone, without any wages. I know," he continues, "and not I alone, but twenty thousand men know more than five hundred vicarages and parsonages thus well and gospelly served after the new gospel of England." The lowest mechanics were ordained to the almost worthless benefices, of which the tithes had been seized, and this in a large proportion of cases in populous parishes and towns, where clergy of the highest stamp would be most wanted. Such undoubted facts were among the *immediate* consequences of the spoliation. The mischievous consequences of the seizure of the parochial endowments which the monasteries had appropriated continue to the present day, in the inadequate maintenance which parishes thus despoiled offer to their incumbents.

Another mischievous consequence of the general plunder of the monastic property which has continued to this day is the English system of poor-laws, which are considered, as I think, justly, to be a great bane to the community, especially to the lower classes of it. These laws necessarily diminish the rate of wages, and the means of employing labour. They have tended to degrade the peasantry into paupers. In removing the fear of destitution they remove what Providence has plainly appointed as the chief stimulus to thrift and industry, and as a great motive to good morals and orderly conduct.

You will ask, perhaps, what had the dissolution of monasteries to do with the establishment of our system of poor-laws? Even this. The monasteries supplied a constant stream of almsgiving to the poor, and when that stream was dried up at its sources, the necessity was at length felt to replace it by legal relief. For after a series of severe measures for repressing the beggars, that swarmed



over the country *after the dissolution*, had been tried in vain, recourse was had to legal measures for their relief. The first of these measures was passed in the reign of Edward VI., followed by a variety of statutes, ending with that of the 43rd of Elizabeth, which essentially placed these laws on the same footing on which they now stand. It should be added, that the dissolution of the monasteries, besides depriving the poor of their original resources for obtaining alms, turned thousands of monks and friars into beggars instead of dispensers of alms, and sturdy beggars (as the statutes called them) they often were.

The punishments introduced to stop this beggary by the Acts of Henry VIII. and of Edward VI. were a disgrace to the legislature. By them begging was made a crime punishable by flogging for the first offence, by flogging and branding for the second offence, and by death for the third. One statute of Edward VI. authorized the enslavement of a sturdy beggar.

This Act ordained that any person finding a man "loitering without work for three days together," might seize him, take him before a justice, who was to cause him to be branded with the letter V (the initial letter of villain) on the breast, and adjudge him to two years' slavery, to be fed on bread and water, the master being empowered to punish the slave by "beating and chaining at his discretion." This Act is thought to have been chiefly directed against the expelled monks and friars, who were, to a great extent, supported by begging about the country.

Such was Tudor legislation on this point; but its severity proved wholly ineffectual; and recourse was had to the milder but more permanent mischief of poor-laws.

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#### REFORMATION AND PLUNDER.

Plunder was the great bane and disgrace of the English Reformation. It was carried to a far greater extent than is commonly supposed. Not only was the property of the monastic houses confiscated, but above 2300 *chantries* and *free chapels* were suppressed. This spoliation took place in the reigns of Henry VIII. and

Edward VI. The *chantries* were foundations providing for the perpetual singing of masses for the supposed benefit of the souls of the founders and their families. Sometimes this service was performed in a chapel or aisle of a church, sometimes in a separate building erected for the purpose. The *free chapels* were founded by kings of England, and made exempt from episcopal jurisdiction. Besides these chantries, a great number of colleges and hospitals were at the same time suppressed, and their property seized.

The colleges were associated bodies of secular priests, such as Westminster Abbey and Southwell Minster now are. The *hospitals* were receptacles where poor men were lodged and fed. They had religious services provided for them, and the fact that a good deal of superstition, including prayers for the founders' souls, mingled with these religious services, was made the pretext for suppressing them.

The Act for the dissolution of these chantries, free chapels, colleges, and hospitals, was passed in 1545, the 37th year of Henry VIII., but it was not carried fully into execution in his reign, for, in the first year of his successor, Edward VI., another Act was passed to the same effect; and indeed it appears that in his reign the *principal* part of this spoliation was effected. The colleges of the two Universities thought themselves comprehended under the aforesaid Act of Henry VIII., but that king calmed their fears, and assured them of their safety from confiscation.

Among the main motives which impelled the unscrupulous ministers and courtiers of Edward VI., such as his uncles the two Seymours, the Duke of Northumberland, and others, in a reforming direction, was not only the plea with which Protestantism appeared to supply them for seizing to themselves property dedicated in part to superstitious uses, but also the well-grounded fear that, if Romanism should again prevail, they might be compelled to restore their spoils. Their rapacious proceedings during the reign of Edward VI., had the effect of greatly discrediting the Reformation in the eyes of the people, and are thought to account in great measure for the facility, otherwise not easily to be accounted for, with which the nation, which would probably be disgusted

with the conduct of such "Reformers," suffered the restoration of Popery under the reign of Queen Mary.

It should here be mentioned that a small proportion of the spoils of these chantries and other suppressed establishments was applied by Edward VI.'s government to the foundation of the public schools, which still subsist under the name of "Edward the Sixth's Grammar Schools."

But the plunder which has been already detailed was by no means all that attended the great religious change of the 16th century. The plate and other treasures of cathedrals and parish churches were seized in immense quantities. Furthermore, Henry VIII., the ministers and grandees of Edward VI., and Elizabeth herself, wrested an enormous number of manors and estates from the bishoprics and the cathedral bodies. Similar acts of this kind of extortion were practised by Elizabeth, who, for instance, stripped the see of Oxford of *all* the manors which it possessed, and kept the bishopric itself in her hands for a period of twelve years.

I will here give a noted specimen of her doings in the spoliation of bishops' sees.

She had signified to Cox, Bishop of Ely, her pleasure that he should give up to her one of the manors of his see. The bishop hesitated to comply with her requirement. Thereupon Elizabeth wrote to him the following characteristic epistle:—

"PROUD PRELATE,—Remember what you were before I made you what you are. Give up the manor, or by G— I will unfrock you.

"Yours as you shall behave yourself,

"ELIZABETH."

It may be added that this letter had the effect intended. The spoliation of sees by Elizabeth deterred at least one man of integrity, like the excellent Andrewes, from accepting a bishopric in her reign, lest similar surrenders should be required of him. The plea employed to cover much of the spoliation of the Reformation (that of the chantries, etc.) was, as we have seen, that the property had been applied to superstitious uses. But it was observed that the property itself was not in fault, and might still have been applied to religious uses.

Another plea employed for this purpose, and applicable in the case of the plunder of bishoprics and cathedrals, was, that it was beneficial to the church to ease her of the incumbrance of superfluous wealth! It may be supposed how much this was the real motive; but, if some were too rich in the church, there was assuredly no lack of poor ecclesiastics, amongst whom the excess might have been beneficially distributed.

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*To the Editor of the Records of Buckinghamshire.*

MY DEAR SIR,—Those readers of the “RECORDS” of our Society, who may have followed me in my “Illustrations of English History,” will be interested, I think, by the following remarks which have been made on them in a letter to myself, by the Reader of Legal History in one of our Inns of Court. This gentleman’s authority is so high in matters of the kind which I have treated, that I willingly defer to the qualifications and corrections with which he has kindly furnished me in regard to some of my statements on obscure or doubtful points of our early history.

1. In my paper entitled, “The Norman Conquest—how far a Conquest?” the following statement occurs:—“The feudal system was carried out [*i. e.*, after the Conquest] more rigorously and extensively than it had been; yet it had before existed in England.” Upon this statement my learned friend observes as follows:—“The better opinion of Hallam and others is that the feudal system did *not* exist in England before the Conquest. Our polity had, no doubt, some features of resemblance, and so has that of Japan, but that is all we can say.” Your present correspondent is quite disposed to accept this amendment of his statement, having never himself understood how feudal institutions were compatible with the popular constitution of the Anglo-Saxons.

2. In the paper entitled, “Titles Ancient and Modern Compared,” I designated the old Anglo-Saxon head of a shire the Eorlderman. My learned critic is right in saying that the word ought to have been “Earlдерman.” In the same paper I say that “the shire-reeve, sheriff, was the Ealderman’s deputy in the government of the

shire." On this statement I am informed by my aforesaid authority that "in many cases the sheriff seems to have acted as the Ealderman's (Alderman's) deputy; but he surely had many other functions to discharge."

3. In the paper on "Ancient Titles of Honour," I give doubtfully the meaning of "man" to the word "baron." My critic implies that there is no doubt that this is its true meaning. He says, "The word baron in the sense of man is illustrated by the court-baron of a manor, and the house of peers the court-baron of the king."

4. My learned friend makes an important correction of a statement in the paper on "The Feudal System—Knight-service." I there state that "the probable derivation of the word 'soc' gives an idea of the services in question (*socage*); for 'soc,' in French, means a ploughshare." On this statement my critic observes:—"Hallam, in his notes, wonders that he could ever have supposed *socage* to have come from *soc* (ploughshare). *Soc* means a franchise; a large proportion of England was covered by these *socs*, and the freemen in them were the *socmanni* of Domesday, being numerous enough to give rise to *socage*, when tenures were introduced."

5. In the same paper, I express a doubt whether the "villain-in-gross" was or was not identified with the bondmen, or "servi" of Domesday. On this point my new authority thus delivers himself:—"The 'villanus' of Domesday was the 'ceorl.' Below him was the 'nativus' or 'neif,' and it was the tendency of Norman rule to degrade the freemen, whether 'socman' or 'ceorl,' to the condition of the 'neif,' or 'servus.' There is a curious document called *Rectitudines singularum personarum* (rights of individuals) published with the 'Ancient Laws and Institutes,' worthy of your attention."

6. In the paper on the Constitutions of Clarendon, I speak of "trial by jury" as having, by the 6th of those constitutions, been introduced into processes in the Ecclesiastical Courts. Upon this statement my learned critic observes:—"You are, I think, premature in speaking of trial by jury. This is the first mention of the grand assize, or recognition by twelve men. They spoke from their own knowledge."

7. In my paper on the "Growing Importance of the Towns in Plantagenet Days," I referred to the position of

towns in the Anglo-Saxon Constitution, and made use of a remark, suggested by a competent authority, that "the towns were then so nearly independent, that England in those days has been compared rather to a federation under a common head than to a modern kingdom." Upon this point I am thus addressed by my learned friend, to whose superior judgment I readily defer. "I think," says he, "You greatly exaggerate the importance of the towns in the early English period. The *shires* of England were so far independent as to give the notion of a federation."

My friend, but very impartial and well-informed critic, concludes by referring to the best *sources* of information on the foregoing and similar points; and I have no hesitation in quoting his words for the benefit of your readers:—

"I wonder you do not read Stubbs. His 'Documents' (select charters) is the most useful book ever published of its kind, and his Constitutional History has superseded every work that preceded it for the period which it embraces."

Feeling obliged to my learned correspondent for his observations in correction or modification of some statements in my "Illustrations," I have thought that the publication of them would be instructive and interesting to those who may have read these contributions; and I will accordingly request you to allow this letter to appear in the next number of the RECORDS.

Yours very truly,  
J. R. PRETYMAN.

P.S.—I beg to add that these papers were written before the publication of Professor Stubbs's works.

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