CHAPTER IV.

RUFUS being dead, it would seem only natural that his brother Robert, who had so frequently and so gallantly fought for the throne, should become king. Doubtless he would have been so declared had he not been so unfortunate as to be absent in the crusades. He had been gone now nearly five years,[1] and his exact whereabouts were unknown. Neither was it known how soon, if at all, he would return. England, for the time, was without a king. This was a condition that could not, in the nature of things, continue for even a short length of time, as the claimants would be many and soon multiply, and the barons especially were anxious to have their monarch selected. They expected and wanted Robert, but no one had the courage to espouse his cause. He returned in just one month, but it was a month too late.

[1] Wendover, 1-446.

Robert had, in the person of his youngest brother Henry, a very bright and capable person. He was by instinct and habit a scholar,[1] and moreover was fortunate enough to be born in England. He was, besides, astute and brave and wise. It is somewhat interesting in this connection to note what the different chroniclers in their account of his reign say of him. Henry of Huntingdon, whose account of him is one of the most valuable of all the old chronicles, says that "while he was young and before he became king, he was held in the greatest contempt." With all due regard to this great chronicler, and to his undoubted value as an historian, we must not place too much credence upon this assertion. He is the only one of them all who thus speaks of Henry. Henry was no doubt much disliked by many, and possibly by some despised, and especially toward the end of his reign, when his treacherous and unfair acts were becoming annoying; but this could not have been so in his early

[1] Malmsbury, 425.

administration, because he is the one king of all the others, who really tried to start right, and to do, so nearly as he knew how, what was best and proper for the people. He knew he held his crown through usurpation and possession, which is nine points in the law, and to make that possession more secure, he tried to pacify and to please by gifts and grants. It makes no difference what causes led to his better conduct, so long as it existed; and he did most positively do all he could to please his subjects. Malmsbury says of him, that "he was inferior in wisdom to no king of modern times, and, as I may also say, he clearly surpassed his predecessors."[1]

The kingly habit and custom in those times was sternness, strictness and brutality, and ruling with a mighty hand. The evolution that worked the change came much more rapidly than we would ordinarily expect. It was not far off, only about one hundred years, and the change that did come was in a great

[1] Malmsbury, 447.

measure started by Henry. It was not his bad acts, nor oppression, which, reaching a culmination as with John, that forced a new result, but it was more his acts of concession that induced into the people at large the desire for perpetual liberty. Tasting the sweets of freedom, they wanted them always.

When his brother Rufus died, he immediately possessed himself of the crown's treasures and money, and assembled in London the clergy and representative people of England. He desired the throne, and thought himself fitted for it, and, in order to obtain it, and at once, made fair and nice promises to the people, according to the usual kingly method, and distribution of money to some of the barons and prelates. This kingly virtue of "promise" is fittingly illustrated in the reign of Henry, who promised that if the people would acknowledge him as king, he would re-enact those good old laws of Edward's. Nay, he would do still more, he would have them all written

out so far as he could, and embrace them in a charter, and he would grant to them those rights, written down under the solemnity of his seal.[1] This was something the English never before had. All they enjoyed, when anything, was the administration by their king of what he chose to call laws. They had never had written laws. William the Conqueror is said to have made some grants in writing, but such as he did make were special matters, not general, and did not take the form of a charter. His re-enactment of the laws of Edward the Confessor was only writing out what certain customs were and had been at the time, and they embraced no general nor specific points. To be true, his "wise and noble Saxons" of each county did report to him what the laws were, but he did not enact them in any specific grant.

This promise of a charter by the king was a decided innovation with the people and barons, and what he promised to embrace in

[1] Wendover, 1–446; Florence of Worcester, 207; Malmsbury, 427.

it so pleased them that they decided to make Henry king, and he was accordingly crowned king just three days after the death of his brother Rufus.

With the other kings, after having obtained the throne, their era of kindness to the people mostly ceased. They usually continued to promise but never fulfilled any of their promises. But in this respect Henry differed somewhat from them. He really did keep his word technically, even if he did not truthfully adhere to it, for on the day of his coronation he gave freedom to the church, discontinued illegal taxation and established peace. Moreover, he released prisoners and drove the flagitious from his court.[1] He did, however, retain to himself the rights of the Forests. In them, at least, he gave the people no privilege. After he became king, he drew up the charter he had promised. In this charter it is written that all the laws of King Edward shall be observed and re-enacted; that the holy church should be pro-

[1] Worcester, 207; Malmsbury, 428.

tected and held free from the control of the crown, and provides, among other things, that after the death of an earl, baron or military tenant, his heirs should be allowed possession of the land by paying a reasonable release, and not the excessive exactions as had been levied under former kings. He allowed guardians to be appointed for all minors who should become answerable for their trust. He promised not to dispose of any heiress in marriage, unless with the consent of his barons. And if any baron desired to give his daughter or niece or other kinswoman in marriage, he had only to consult with the king, who promised not to take any money for his consent nor refuse the permission. The only exception noted is in case a baron desired to dispose of his kin to an enemy of the king, which was refused. He also granted the barons and military tenants the right to dispose of their personal property by will, and if they did not leave a will, such personalty was to descend to the heirs. He promised not to levy taxes on the

farms which belonged to the barons. He pardoned all offences and remitted all debts due to the crown. He promised that the vassals of the barons should enjoy the same privileges that the barons enjoyed.

This charter is the first that was ever granted by a monarch of England and is the foundation for all of those that followed.[1] It is of so much importance to the history of England that it can truthfully be said to mark a distinct era in the government and powers of kings.

Henry's reign extended over such a long period (thirty-five years) that it would be useless to enumerate the different acts occurring in all this time. He had his wars of course. He had to do battle with his brother Robert, who, when he returned from the crusades, claimed the throne and was supported in his claim by many, if not most of the Norman barons, who considered Henry's haste to secure the crown an act of usurpation. Moreover, Robert just now was popu-

[1] Wendover, 1–446; Thomson's Magna Charta, 398.

lar. He had acquitted himself well in the crusades and his gallantry was admired. In these wars, Henry was supported however, by the English clergy and people almost to a man.[1] His Norman barons were against him, not because they did not like his rule, but because Robert promised them more, and they saw, or thought they saw, a chance to benefit by espousing his cause. Henry, of course, succeeded in maintaining his position, both by the use of his army and by the lavish use of money. Here it is in his dealings with Robert that his first use for money in any amount becomes apparent. While the two armies, one under Robert and the other under Henry, were facing each other ready to do battle, a conference between the supporters of each was held. This conference had for its result the prevention at that time of bloodshed, Robert and Henry each agreeing that in the event of either dying childless the survivor should have the throne and possessions of the decedent, Robert to

[1] Worcester, 209.

be acknowledged Duke of Normandy, and Henry to help him win back some of his castles that had revolted against him. In addition to this Henry was to pay Robert three thousand marks per annum, so long as he lived, Robert to openly acknowledge Henry as king. This agreement was made upon consideration that Robert should desist from any further warfare,[1] and in fact they each agreed that they would not from that time encourage in any way nor protect the enemies of the other.

From now on Henry was engaged in small warfare in Normandy in quelling the insurrection of some of the barons there, as he agreed to do. This he accomplished, but of course it required money, and Henry resorted to the usual method of obtaining it, —by taxation. His taxations, however, were nothing like those levies of his predecessors. His need was not so great. He had conquered Normandy in 1106 and returned to

[1] Huntingdon, 240; Hovenden, 1–193; Westminster, 2–29; S. Chron, 478.

England a victorious king. His power and ability as a general, were unusually great and as thoroughly recognized. In fact, William of Malmsbury says of him (page 434) that "he established such peace in Normandy as it had never known before, and such as even his father himself, with all his mighty pomp of words and actions had never been able to accomplish."

Henry's taxes were, for the most part, levied for reason. He never levied like his father for the sake of greed. It was for some special purpose for which money was needed, and therefore taxations of necessity. He did, in 1109, tax every hide of land in England six shillings,[1] but this was for the expenses connected with the marriage of his daughter to the Emperor Henry of Germany. Henry of Huntingdon speaks of this very disparagingly, as an onerous and grievous tax, but while the other chroniclers mention it (excepting the Anglo-Saxon) they merely mention the fact without comment,

[1] Huntingdon, 244.

thus seemingly treating it as a matter of course. Nor can we, under the circumstances, consider this as such an unjust levy, and so call down such condemnation as is contained in Henry of Huntingdon. Huntingdon seems to have had a grudge against Henry. He speaks of his cruel taxation in 1116 (page 246) and of the manner in which the English were "grievously burdened with continual taxes and various exactions occasioned by the king's wants," but what those wants were, and what the taxes were, he does not say. Of course Henry promised in his charter he would not levy any taxes on the lands of the barons. But then this was only a kingly promise as usual, to which no great importance should be attached. He did tax, and whenever he wanted to, but fortunately for him, he did not want to very often.

Henry seems also to have made some good laws of his own. He established good order, made laws for the punishment of theft, rapine, and violation of women, and

deprived in many instances of their sight, such persons as offended against these laws.[1] He also made laws regarding the coin of the realm. The country was infested with counterfeit or spurious coin. He made laws regarding coinage and punishment of counterfeiters, cutting off the hands and putting out the eyes (a favorite punishment with kings in those days) of those who violated his regulations. The more to perfect the mintage and protect the coin in its proper condition, he enacted a law that thenceforth the half-penny should not be the broken part of a penny, but should be a coin of itself and should be made round like the other coins.[2]

Considering the whole of Henry's reign, the times in which he reigned, the temper of the people, and the circumstances, he is entitled to be considered as a goodly king and ruler. He made mistakes of course, but others made more. During his reign there

[1] Malmsbury, 434.
[2] Worcester, 216; Malmsbury, 445; Hovenden, 1–200.

was not that great oppression that the people had previously suffered from, and it was appreciated. Had his method and manner of government continued, although not in any way equalling the Confessor's, yet it would, most likely, have caused no opposition, and been satisfactory. Things went smoothly for him as kingly matters go, for thirty-five years, and he is entitled to due credit for it. "He was inflexible in the administration of justice, he ruled the people with moderation, the nobility with condescension." His nephew and successor, Stephen, however, was so different, and so changed things that we see from thence, how rapidly they draw themselves to a climax and concentrate themselves in the reign of the miserable John, for with Henry closed the long peace of the Norman rule, an outburst of anarchy following his death.