

THE GROWTH
OF
ENGLISH INDUSTRY
AND
COMMERCE

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PREFACE.

IN the following pages I have endeavoured to give such an account of the growth of English industry and commerce as may be easily followed by readers who are but slightly acquainted with the history of the country, and who have no knowledge of Political Economy: in the notes will be found matter of more importance for students, as they contain, not only full references to the authorities used, but brief discussions of disputed points, and allusions to interesting analogies in the experience of other peoples. To introduce more than a passing reference to such matters might distract attention from the *continuity* which exists between the earliest and the latest stages of our national life, and from the *interdependence* between our industrial and our political history.

The narrative is a simple relation of facts, interrupted only by such explanations of economic terms as seemed absolutely necessary: but it has not been forgotten that the spread or prevalence of some idea or aspiration may be a fact of the

first importance. Only by being fully alive to the ordinary tone of morality and opinion in industrial matters at each stage of our history, can we really understand the nature of the customs and institutions of bygone days.

To give a brief description of the general state of the industry and commerce of our country at any one time must be difficult, but to depict the nature of the changes that occurred throughout the land, during a long period of years, must be well-nigh impossible. It is hard enough to reconcile Harrison's description of England in Elizabeth's reign with the account of his contemporary Stafford, but how are we to picture to ourselves the nature and rate of the changes that had occurred between the time of Fortescue and that of these later writers¹?

General descriptions of the state of Society, or the progress of Society, must necessarily be very inaccurate, and I have preferred to call attention to the causes which dominated over industrial and commercial affairs at different periods, and to shew by reference to particular cases the nature of the effects produced by each such cause—and if possible the length of time during which it continued to operate actively. By this method of statement, we can never perhaps obtain a very vivid picture of the general characteristics of a period, or the

¹ See pp. 217 and 269 note.

general rate of advance, but we can at least put forward the results in a form in which each step can be verified by the reader, and which may render the links, that connect the whole course of events, more comprehensible.

I have been indebted to Dr Luard, Mr F. W. Maitland, Mr A. Toynbee and several other friends for valuable suggestions while the sheets were passing through the press: from Miss Martin, of Newnham College, I have received constant assistance in collecting and arranging the materials. She has also kindly undertaken the labour of compiling the instructive diagrams which form Appendix IV. The engraving of the noble of Edward III. on the title-page has been drawn, with the permission of the authorities, from one of the examples preserved in the British Museum.

W. C.

TRINITY COLLEGE,

October, 1881.

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§ 1. THE most cursory survey of the present condition of English industry and commerce must impress us with a sense of the complexity of the arrangements by which our daily wants are supplied. The children in our Elementary Schools have their imaginations quickened by short passages in their reading-books which profess to tell the history of “a lump of sugar,” or “a cotton pocket-handkerchief;” but, even if the toil in the tropics, the trouble of transport, and the labour in factories are fully described, the story is by no means complete. The raw material cannot be regularly brought from abroad to this country unless something is sent from this country in return; and thus the success of, let us say, our iron trade is implied in the continued supply of sugar to our people. Besides what is seen at the first hasty glance there is much that is unseen; and every hour of careful consideration will help us to realise more clearly how closely all the various branches of the industry and commerce that supply our wants are interconnected, how

The industrial machine.

delicately all are adjusted, how much disaster in any one branch must re-act on all. As we think of this, we naturally come to regard the industrial system of our time as a great machine, wonderfully delicate, and wonderfully powerful, which provides the necessities and comforts and luxuries of our people. From this point of view we should say that the work of an Economic History was to describe the gradual improvements that have been made in the industrial machine; just as a history of Printing would describe the series of inventions which have given us the Walter Press in place of the laborious drudgery of transcription.

*Continuous
changes.*

But after all the analogy between our industrial system and any machine, however wonderful, is apt to mislead. For there is one very important difference between the two that should never be overlooked:—our industrial system is not pieced together out of inert matter and set agoing by mechanical forces, but its various parts are intelligent human beings with infinite capabilities of co-operation and of self-development. It has been by human skill becoming better fitted to use what nature provides, and by the moral progress which has made a closer social interdependence possible, that the most marked changes in the industrial system have come to pass. And such progress as this is slowly but continually taking place; first the internal change occurs, and then it shews itself in improvements in the arts of life. So that the History of industry does not describe a series of remodellings made from without, but a slow and continuous growth that takes place from within. We shall understand our industrial system better if we think of it not as a machine, but as an organism,—a body economic, if we may coin a phrase that is suggested by the current expression, the body politic.

• The conception of a growing body is more instructive than that of a machine, because it serves better to keep before us the double side of an industrial life; a machine only produces, but each part of an organism needs to be constantly nourished, and the means by which the various parts are sustained is a most important part of animal economy. So too in the economy of this nation the conditions under which each individual partakes in the wealth of the whole must be constantly kept in view. A great nation is not a mere machine for producing the greatest amount of wealth with the greatest amount of speed, it is an organism which cannot be healthy unless the conditions of distribution are satisfactory as well as those of production. Indeed, when the distribution of wealth is thoroughly unsatisfactory there can neither be really good production nor true national progress. If the parts of the body economic are badly nourished, it cannot do its work, and will certainly not be able to grow; its expansion can only be an unhealthy swelling which proves the existence of some deadly disease.

*Work and
nourish-
ment.*

§ 2. Thus we seem to have worked our way round to the old analogy between a nation and a living being, and we might amuse ourselves by dwelling on it in detail, and comparing the constitution of a nation to the nervous system by which the whole is consciously or unconsciously regulated, and the industrial arrangements of a nation to the alimentary system by which the body is sustained: it will suffice to note one point of resemblance before we pass on. It is possible to describe the nature of the alimentary system without much reference to the nerves, but the two are intimately connected, and the processes of mastication and digestion would not long go on if the nerves were completely

*The body
economic.*

paralysed: if we are discussing the actual operations of life, and the disorders which actually occur, we cannot neglect the interconnexion of the two systems, or treat one fully without an implied recognition of the importance of the other. So too with the constitution and the industrial system of a state. We may separate them in thought or verbally, but they never are and never can be separated in actual life; a History cannot treat fully of the growth of our industrial system, without an implied recognition of the constitutional changes that were taking place side by side.

*The inter-
connexion
of events.*

Indeed a very few moments' consideration will shew us that there is no fact in our nation's history but has some traceable bearing on the industry of the time, and none that we should be justified in ignoring as if it were wholly unconnected with our subject. Wars and Revolutions, Court Intrigues as well as Religious Revivals, have all had an industrial side; they have dissipated wealth, or they have altered the conditions under which wealth was obtained, or the terms on which it was divided, or perhaps they have done all three. Numberless cases might be alleged where trifling incidents have been links in the chain of causes that has produced most marked industrial effects.

There is more need to insist on this interconnexion between Industrial and Commercial History on the one hand, and the constitutional, dynastic, or any other side of our national story on the other, because the fact seems to be imperfectly recognised in ordinary histories. The manner of treatment conveys the impression that facts about industry and commerce can be easily distinguished from the rest, and dealt with in separate chapters; but this can never be a thorough way of working. We might indeed gather the facts of industry, but not the facts that

have a bearing on industry, and if we wish to understand the real progress we must pay some attention to both.

§ 3. It might have seemed that in insisting that the sphere of our study is so extensive, we are making the task a hopeless one. If such a mass of facts is to be taken into account, how are we to use them, or to hope to obtain conclusions from them? We shall have to group them in some way, and if our conclusions are to be worth having we must take great care to marshal the facts wisely. This we cannot do by making an arbitrary selection to start with, but only by carefully taking a special point of view, and noting what facts come into prominence when seen from this outlook. We get very different views of London from the Monument and from S. Paul's: the same buildings lie around us in both cases, but they are differently placed, and what is prominent in one case is half hidden in the other. So we may look at the facts of a nation's history from a constitutional standpoint, and note the bearings of the various events on the growth of the political institutions; many will be of slight, a few will be of striking importance. If we took a dynastic standpoint, and viewed the facts of the same history as bearing on dynastic fortunes, we should find that our attention was called to other facts as the most important; so too from our economic standpoint we still deal with the same recorded facts, but they have a different interest; much that seemed valueless before, comes to have a vast importance for us now, while great political struggles may perhaps be disregarded without serious loss. Economic History is not so much the study of a special class of facts, as the study of all the facts of a nation's history from a special point of view.

The sphere of study and

the grouping of facts.

§ 4. We may note in passing the distinction which

The History of Industry and Political Economy distinguished.

here appears between Political Economy¹ and Economic History: the former takes a special class of facts as they are, and describes and explains them, without professing to take other classes of facts into account. For the sake of simplicity it neglects many human motives and feelings, and describes what on the whole tends to be true—and this description of abstract tendencies is often very useful. But in studying history we do not want to know what tended to happen, but what actually did happen; we want to describe the growth of industry not apart from, but as actually affected by the various circumstances of life. It is worth while to observe too, that if modern Political Economy finds it necessary to neglect many important facts of human nature and society for the sake of simplicity, it is also concerned only with industry and commerce as they are now: it describes the regular ways in which production and distribution and exchange tend to be carried on in the present day, with our present knowledge and inventions, and above all with our present orderly life and high civilisation.

Political Economy in the light of History.

Though these branches of knowledge are so distinct, yet the study of industrial development may be a great help to the complete comprehension of modern Political Economy, for it will help us to understand its genesis. The facts of industrial life, and reflections passed upon them, are closely interconnected: we may attend to the one rather than to the other, but they constantly work on one another. New experiences modify old, or give rise to new principles, and these again affect the course of events. We see this all through the past. The body economic has gone on growing in complexity and size, and men's conceptions of its nature have changed with it: the Plantagenet Kings and Restoration

¹ As defined and discussed by J. S. Mill, or J. E. Cairnes.

Parliaments legislated for trade as they saw it existing in their own day: it has far outgrown its then condition and thus has as far outgrown the principles which guided their legislation. Our special business lies with the facts of industry and commerce,—facts on which different sets of economic principles have at different times been founded. A short investigation of the principles that were dominant during some periods may often be the simplest step towards apprehending the true nature of the industry and course of the commerce of those days. The principles themselves are of little moment now; they came to be out of date, and died without formal refutation. So too the principles of modern Political Economy, in so far as they are inductions from experience and take for granted the existence of a state of society closely resembling the present—e.g. with free competition as the normal condition—may in time be modified by changes in the social structure. The growth of society and the logic of circumstances have constantly refuted principles that not only seemed true but actually were true in a different phase of industrial and commercial life, and they may do so again. But however this may be, History can trace the growth of the industrial phenomena which modern Political Economy describes and explains: History can note the first actual symptoms of the tendencies, the operation of which Political Economy has formulated. The History of the past cannot however provide a basis for the modern principles¹; for in so far as current Political Economy is an inductive science, its reasonings are based on observations of what many men do now, rather than observations as to what men have done in many ages.

¹ On History as a basis for inductive generalisations, see below, p. 414.

*History as
viewed
through
Political
Economy.*

From the above statements it necessarily follows that the principles of Political Economy which describe the commercial tendencies of the present day, will not help us to understand the actual facts of the distant past. For the period commencing a hundred years or so ago, the case is different: the investigation of the causes of wealth¹ had reached results closely similar to those of the present day, and the principles were soon so widely accepted as to exercise a most powerful influence on industrial arrangements: we might treat the history of the giant industry and world-wide commerce of England as an increasingly complete and practical exemplification of the principles of abstract Political Economy. This is probably so much the most convenient method of treatment that it would be unwise to deal with the subject in any other way²: what "tended" to happen, did on the whole happen as a matter of fact. But the earlier history, if approached from the side of modern theory, must be constantly and completely overburdened with elaborate explanations as to counteracting causes, which were so powerful that the normal tendency was completely reversed³. Unless the free competition which they take for granted existed to some considerable extent, modern economic principles only confuse our study of the actual industrial development of any period of the past.

*Description and
explanation.*

§ 5. We have found how the sphere of our study differs from that of a constitutional or dynastic History, and from Political Economy, we have yet to

¹ In Adam Smith Dühring finds an Economic Science as distinguished from opinions on economic subjects (*Einleitung*, p. 2), who adds some trenchant remarks on the danger of confusing the history of facts and of Economic Science, p. 8.

² See below, p. 387.

³ See below on the Law of Population, p. 400.

consider the best way of pursuing it. A hint that has already been given has brought out the extent of our task—since no class of recorded facts can be wholly excluded from our consideration,—but even when we know that we are to take an economic standpoint, there is still much doubt as to how we are to set to work. There are two very different objects, at either of which we may aim: we may be satisfied with *description*, or we may try to get an *explanation*: a description of any event will bring out the salient features that catch the eye, an explanation will set before us the conditions which rendered the event inevitable.

In attempting to trace the development of the body economic we need not indulge in descriptions of the state of society or of the arts of life at different times, any farther than is necessary to illustrate our explanation of the changes that have taken place. The chief aim will be to exhibit the conditions under which new industrial or commercial developments were called forth. A long period during which industry remained almost unchanged might perhaps afford materials from which to frame a description, but we may pass it over in silence, since there was no change that requires to be explained,—unless the unvaried monotony be itself a fact that demands explanation. And thus we shall endeavour to set forth the course of industrial development, not by describing its details, but by exhibiting the conditions that have rendered each step in the progress inevitable.

In so far as this attempt is successful we shall attain results which have a very wide bearing. The course of industrial development in other countries in the world can be traced most clearly by reflecting on the history of that people who have attained to the greatest height

The explanation of English progress

as it is typical of all industrial progress.

of industrial and commercial success: for not only do we find that the English¹ have outstripped other nations, but the comparative completeness of their records from times when the scattered tribes had not come to be a nation, renders it less impossible to trace the course of English than of other industrial development. The progress of many different nations has taken place so nearly on the lines to be here indicated, that most interesting analogies present themselves between the various phases of our industrial life, and the conditions which other peoples have passed, or are passing through. There is undoubtedly only a similarity, and no identity in the development of different nations; for each must work out its own destiny, and each is affected by the influence of contemporary and neighbouring civilisations². None the less shall we be in a better position to enter into the history of the industry of other nations if we first of all concentrate our attention on that of the English people, and can take their story as typical of others.

Negative
condition
of indus-
try;—

§ 6. Before however we attempt to trace the changes which have taken place in industry, it will be well to prefix a few words about the conditions which are requisite for the very existence of industry at all: and these may be described as of two kinds, negative and positive. It is perfectly obvious that industry of all kinds

¹ The only people who are as closely connected with trading are the Jews: but the records of their industry and commerce are slight, though the trade may have been considerable: besides they have been without political existence as a nation for so long, that neither their industry nor commerce can be taken as at all typical of that of other peoples. For their early commercial history, see Herzfeld, *Handelsgeschichte der Juden*, pp. 18—61.

² On this factor in English progress see below, Romans, p. 37, Normans, pp. 118, 131, Dutch, p. 325.

• involves some exertion or sacrifice which will scarcely be undertaken, unless there are conscious *wants* to be supplied; they may be physical wants of food and clothing, or the personal ambition of getting on in the world, or the desire of advancing one's children: but whatever it may be, unless there is some felt want¹ to be supplied, there will be little or no industry. At the same time it may be noticed that want is only a negative condition, and that we cannot argue that a people have no wants because they are not industrious. In some cases long continued poverty seems to deaden the activities, as is said to be the case with the natives of Harris and other Scotch Isles: elsewhere the habits of the people render them unfitted for the continuous labour of tillage, while they undergo immense privation and long days of unrewarded drudgery in unsuccessful hunting or fishing: or social conditions, such as the class pride of the former conquerors of Bengal², may prevent them from engaging in remunerative pursuits. In such cases as these there is very great want, but little industry; and we may therefore say that even if want is an essential, it is not the sole condition of industry.

The positive conditions, which are lacking in the cases mentioned above, are *skilful energy* and patient *fore-thought*: these are the resources with which human beings are provided in order that they may obtain the satisfaction of their wants. Industry comes into being when men, feeling any need, strive to supply it by bringing these resources into play: these are the factors which must always be present. The ways in which they come into play will differ very much in different times and different circum-

*Positive
Condi-
tions;—
Energy
and Fore-
thought.*

¹ For an admirable analysis of various kinds of wants, compare D. Syme, *Industrial Science*, pp. 103—113.

² W. W. Hunter, *Annals of Rural Bengal*, p. 137.

stances : the skill that is required in a nomad family differs very much from that of an engineer : the forethought of a railway contractor can scarcely be compared with that of a husbandman : yet similar qualities, ability to use natural objects for a given end and willingness to wait for a distant and less or more certain return, are operative in these various cases. The History of Industry and Commerce is only the story of the various ways in which these

Resources, human *resources* have been applied so as to satisfy constantly developing human wants. Every change that has taken place in the manual dexterity of labourers, every mechanical improvement or ingenious discovery by which toil is so saved that a boy can do what fifty men would not have managed before, has given each individual greater ability for the satisfaction of wants. This is a matter of course ; but besides the actual increase of individual powers, much has been accomplished by the better husbanding of power, as civilisation advances : every improvement in industrial organisation, every change which gives a better status to the labourer, and indirectly a greater encouragement to engaging or continuing in labour, has had a similar effect. We can similarly trace the other factor, patient forethought,—willingness to undergo present privation for the hope of a future gain. Wealthy peoples and poor differ less in the strength of this feeling¹ than in the opportunities for giving it free play ; it is better husbanded and directed. If the “effective desire of accumulation” produces small results in tropical climates and under tyrannous governments, this may be, not so much because the individual desires are weak, as because the obstacles to be overcome are great. With every increase of security in a country, it becomes more certain that a man will be

Resources,

*how hus-
banded.*

¹ Compare A. Mitchell, *The Past in the Present*, pp. 168—176.

protected in the enjoyment of the fruits of his labours, and therefore he has more encouragement to work and wait for a future gain; by stable institutions patient forethought may be economised, and a little of it be made to go a long way. Another most important point to notice is the greater transferability of this factor in production which we find from the sixteenth century onwards, when it came to be more possible to direct the national forethought into those channels where it was most remunerative. Still more striking effects both in the husbanding and directing of this agent in production are due to the existence of credit, which however requires a stable social system as its first condition.

§ 7. The success which attends any particular employment of these human resources must largely depend on physical circumstances: no amount of human forethought and energy will give a country beds of coal and iron or furnish them with a gulf-stream. But it is important to observe that natural advantages do not make a people rich; they can at the best only make an industrious people richer. Natural plenty does not make men rich any more than want makes them industrious¹: in so far as natural plenty removes the stimulus of want it may be an obstacle to progress. The physical conditions of climate and soil determine the direction of industry which shall be most profitable to a given people at a given time: for curiously enough the economic value of the physical characteristics of a country varies greatly at different times. The introduction of ocean

*Limiting
conditions
of in-
dustry.*

¹ This is the secret of the difficulty of state encouragement of industry: it is hardly possible to guess how improved conditions will affect the people themselves, but they appear generally to remove an incentive to industry. See below, pp. 372, 423.

steamers has given great importance to certain points as coaling stations, and diminished the value of ports on sailing routes; and so too, many towns have been almost destroyed as centres of industry by the introduction of railways. Britain has been in turn a great corn-growing, wool-growing and coal-producing island; and the changes from one employment to another have not been so much due to climatological or physical changes¹ as to the relations of trade in which its inhabitants have stood to other peoples. Perhaps we may say that physical conditions impose a limit which prevents a nation's industry from developing on certain sides. Want gives the stimulus, climate and soil impose limits, but it is in the self-development of human resources, the growth, direction and husbanding of skill and forethought that a nation finds the means for the satisfaction of its increasing wants. It is thus that History reveals the progress which has been made in overcoming nature by calling forth and utilising the energy and forethought of men.

¹ That the climate has altered to some extent is probable from the disappearance of vineyards since mediaeval times.

I.

RUDIMENTARY FORMS.

I.

PROPERTY.

8. Property in Chattels and in Cattle. 9. The English as nomads.
10. Occupancy. 11. Property in the *soil*. 12. The English tribes. 13. Britain as deserted by the Romans. 14. The English as occupants. 15. Folkland and Bocland. 16. The Mark and the Manor.

§ 8. THE difference between civilised and primitive peoples may be most clearly summed up by calling attention to the number of natural gifts which the former have appropriated, and the strictness with which the rights of each member of the community are defined. Every yard of English soil is subject to the definite rights of someone or other: it either belongs to an individual or a corporation, or is claimed by the persons who have common rights over it. But if we turn elsewhere we find that nomads who move from place to place do not appropriate the land over which they wander with their flocks. They have the use of the land as they pass over it, but even the spot where they happen to camp for a time is not what we commonly mean by a possession.

The meaning of Property

As tribes advance in civilisation there are more and more things which are treated by them as property; but we shall hardly be able either to understand the origin¹ or

¹ Few social problems present greater difficulty than that as to the origin of respect for the property of others. The discussion has been greatly confused by a desire, on the part of some writers who have entered on it, to justify in whole or part the rights of property as at present understood. This is a very different, and in some respects a much easier task, as we can rely on ordinary utilitarian arguments. There can be no doubt that tampering with the rights of property would give a sudden shock to our highly organised society; and it may be well thought inexpedient for us to try socialistic experiments.

Others who resist the inclination to try and find a justification for property as it now exists, are tempted to say that, originally, might was the sole ground of right—according to the ‘good old rule.’ A little consideration however shews us that this gives no real explanation. To *have* goods is one thing, and to shew that you ought to have them is quite another. When a man’s goods are at peace only because he is strong and armed, we immediately infer that he has very little right to them. Only on the *lucus a non lucendo* principle can the admission of rights be derived from the exercise of might. Mere might cannot account for the origin of rights, though it may occasionally come in to enforce them; though even in this respect it has played a much more limited part than we might have supposed. Dr Hearne has shewn that the duty of respecting the property of others is first felt with regard to blood relations, and enforced under religious sanctions. *Aryan Household*, pp. 411—418.

Equally untenable is the opposite view, that the rights of property are due to some convention or original contract. It is absurd to suppose that men who saw no harm in stealing would be greatly averse to breaking a promise.

Nor can we suppose that the advantage of respecting other people’s property was generally recognised, and respect for property introduced as a beneficial expedient. Arguments from utility may justify the maintenance of an institution that has been tried, but they would be much less weighty if they referred to an expected and not an experienced gain. At any given moment it will always be for the

trace the growth of property unless we consider what is really meant by it.

The claim to property in a thing we desire is often explained as the claim of the first finder or occupier to what belonged to no one else. This is quite intelligible, ^{not explained by first occupancy,} but it can scarcely ever be applicable: it may apply to a few cases of treasure trove, or to the occupation of desert islands by civilised men. There is no land, on any continent we know, which is so wholly unused either by nomads or hunters that it can be called *res nullius*¹.

advantage of many people to plunder others; and the probable benefits that will accrue from it are not so obvious as to account for the origin of respect for property.

Nor can we derive it by referring, as J. S. Mill (*Pol. Ec.* II. I. § 2) does, to the influence of tribunals: these might define and enforce a growing opinion, but they do not account for its beginning. On what principles could such tribunals decide? and why were such cases brought before them, if there was no conception of the rights of property at all?

All these theories are attempts to derive the feeling of respect for property from some external source; this must always be a merely speculative proceeding. It is better to try and consider what we mean by *property*, and then look for its simplest known forms in social groups that are known as actually existing.

Property, whether common or private, has its correlative in a common purpose or an individual purpose; it is this that has inspired the claim to Adverse Possession, that is, as Sir Henry Maine explains, 'a holding which is not subordinate or permissive, but exclusive against the world.'

It is interesting to follow out this view and to shew how the conception of purpose explains the limitations as well as the gradual growth of private property: for this reference may be made to Hegel, *Phil. d. Rechts*, pp. 76—81; compare also J. H. Stirling, *Philosophy of Law*, p. 36.

¹ Laveleye, *Primitive Property*, p. 339. The chapter contains a most interesting discussion of various opinions on the nature or origin of property. Compare also Maine, *Ancient Law* pp. 244—257.

*nor as the
creation of
labour,*

*but as the
correlative
of purpose.*

*Simplest
forms of
property.
Chattels.*

*Hunters
and
fishers.*

Others have maintained that a man's property is what he has worked for, and explain his right to it as a right to the fruit of his own labour¹: but the convention of our modern society respects the rights of men to property which neither they nor their ancestors have created by labour. We shall come nearer the meaning of property, if we say that it consists of all material things that are set apart to serve the *purpose* of some human being. Men have always regarded a thing as property in which they saw signs that it had been intentionally adapted for somebody's own use. Such signs are very various.

The simplest of them all is the shaping of some object to serve a purpose better: the savage who burns out a log and makes a canoe has given evidence of skill and forethought in accomplishing his plan, and it is thus marked as (individual or family) property. Property of this kind, in weapons, or tools, or chattels, may exist among the rudest peoples, for instance among a tribe of hunters, who sometimes shew their respect for the chattels of the deceased by burying them in his grave. Property of other kinds they have none: the tracts of country where they pursue their prey do not bear the marks of their presence, or shew any signs of the effective force of the human will—nor have they settled homes or fields. Some writers have indulged in the speculation that this is the original condition of mankind, from which the higher races have emerged. If so, it was certainly a wonderful development of human forethought when any men came to prefer to keep a herd of cattle, rather than to trust to the chances of pursuit and of fishing². But we cannot take for granted that a nomadic

¹ Locke, *Civil Government*, c. v. § 27.

² A. Ferguson, *History of Civil Society*, p. 146.

State was always preceded by one of hunting: it certainly does not always intervene between a life of hunting and one of tillage. The course of each tribe's economy is probably greatly affected by its physical circumstances: the peoples of Asia had opportunities for appropriating sheep and living as nomads, while none of the animals in America lend themselves so readily to domestication¹. While we have reason to believe that the English, like other Aryan tribes, were once nomadic, we have no grounds for supposing that they ever subsisted on hunting and fishing alone—but if they did so, we are justified in assuming that even then each sept recognised the rights of property in chattels among its members.

The Aryan tribes as nomadic:

§ 9. Apart from the direct evidence which is furnished by Caesar², who describes our ancestors as still in a semi-nomadic condition, we might have argued on general grounds that the English have come of a nomadic stock. The economy of any tribes who lived in the distant home of the Aryan race must have been of this character, while the wandering of a tribe—not the incursion of a horde of conquerors—is scarcely intelligible unless we suppose them accompanied and supported by their flocks and herds³. One most important occasion for the wandering of these tribes must have

their migrations.

¹ Turgot, *L'histoire universelle, Œuvres*, II. 218. L. Morgan, *Ancient Society*, pp. 22—25. On the other hand the *maize* is a cereal which is cultivated by Indians in a savage state. Compare on the economy of tribes of hunters and fishers, Roscher, *Nat. d. Ackerbaues*, p. 17.

² *De bello Gallico*, IV. 1, Neque multum frumento, sed maximam partem lacte atque pecore vivunt, multumque sunt in venationibus.

³ L. Morgan (*Ancient Society*, p. 21) points out that tribes have sometimes been supported in long migrations by fishing in the rivers the course of which they followed.

been a lack of fodder, and the direction they took would be that where the obstacles to their continued livelihood from their herds were least. Level plains and river courses would offer favourite lines of progress; while the rapid multiplication, which seems to have continued in the regions from which they came, would always urge an onward movement. But at length they would find themselves opposed by obstacles which prevented any farther movement¹: there were no means of transport by which a nomadic people could convey their herds across the German Ocean, while the Roman armies prevented the farther progress of the barbarian tribes, as tribes. In some such way as this were the English tribes forced to settle on the strip of land from which they emerged² to conquer Britain, and where they were eventually driven to eke out their subsistence from their herds by tillage.

From the descriptions which we hear of nomadic peoples in the present day³, we can form a pretty clear idea of the economy of similar tribes long ago. In the management of the herd, in successful breeding and training, there is opportunity for the constant exercise of forethought and skill: the land over which the cattle range is not appropriated. Each family however possesses its own herd, and there may also be an understanding, for mutual convenience, between two septs or families as to the runs which their cattle are to occupy respectively⁴. We here find the existence of property in cattle as well as in chattels, and we may notice that

*Family
Property
in Cattle.*

¹ The conditions which lead to such a settlement are well discussed by A. E. F. Schäffle, *Bau und Leben des sozialen Körpers*, III. p. 127.

² Roscher, *Nat. d. Ackerbaues*, p. 30.

³ Genesis xiii. 11, 12.

a similar reason accounts for the recognition of this new kind of possession, though the claim now rests not on having made the thing possessed, but on constantly using it. The herds are bred and kept for the use of a family, they are made to suit this purpose, and are therefore a new kind of property. The flocks of the Tartar supply him with all the necessities of life¹: their milk gives him sustenance, their wool gives him shelter and clothing, and there can be no doubt that our ancestors were dependent on similar means of support. But when the range of their wandering became restricted, and the necessity for additional food began to be felt², they were driven to commence the work of tillage, which involves a greater expenditure of labour and forethought, implies more decided purpose, and as a consequence gives rise to new forms of property.

§ 10. We possess, in Caesar and Tacitus, two first-rate ancient authorities³ on the condition of the Germans, among whom the English tribes were included, at the time when they were thus becoming a settled people. We know that first the extension of the Roman Empire to the left bank of the Rhine and right bank of the Danube, and subsequently its tempting weakness, affected the tribes on its borders, and the internal struggles of the various tribes kept the whole people in comparative unrest. But in spite of these disturbing causes they were no longer mere wandering tribes, as the necessary subsistence could only be obtained by prosecuting

*The
English
in Frisia.*

¹ D. M. Wallace, *Russia*, 335.

² It is sometimes the necessity for fodder, not for food, that forces nomads to settle and cultivate. Morgan, *Ancient Society*, p. 535.

³ The evidence of other ancient writers is collected by K. Zeuss, *Die Deutschen*, p. 52.

agriculture, though the greater part of their "support" came from their herds, the chase, or war¹.

*Tribal
property
in land.*

The chief requisite in such a condition would be defence against their neighbours, and with this purpose each tribe devastated the country around its settlements². We thus find a tribe dwelling within a march, and claiming a definite area of land as property, in the possession of which they sought to protect themselves: it was theirs by designation. Land thus marked out by a march is properly speaking a *mark*³, and may be fairly regarded as a tribal possession, though the word is generally used of the land of a township.

*Evidence
of Caesar
B.C. 53.*

According to Caesar (*B. G.* vi. 21) the territory was annually assigned to each of the smaller groups by the

¹ See p. 19, note 2 *supra*. Also *B. G.* vi. 21, 22, Vita omnis in venationibus atque in studiis rei militaris consistit. Agriculturae non student, majorque pars eorum in lacte, caseo, carne consistit.

² *B. G.* iv. 3, Publice maximam putant esse laudem quam latissime a suis finibus vacare agros: hac re significari magnum numerum civitatum suam vim sustinere non posse. Itaque una ex parte a Suevis circiter milia passuum sexcenta agri vacare dicuntur. vi. 23, Simul hoc se fore tutiores arbitrantur, repentinae incursionis timore sublato.

The same system was in vogue in India under native rule. "One of the first things... was to make a good road to connect the capital (of Sawant Waru) with the seaport Vingorla.... One day in confidential mood the Rajah remarked, 'See how this Sahib is spoiling my country by his new road, and what he calls improvements.' I ought perhaps to add, as some excuse for the Rajah, that the traditionary policy of the state was to maintain inaccessibility. Forests, difficult passes, vile roads, thick jungles, were the bulwarks not only of the capital, but of most of the towns and villages." Jacob, *Western India*, p. 120.

³ Kemble, *Saxons in England*, i. 42, distinguishes the different senses of mark, as (1) a boundary, (2) a territory, used for pasture, &c., as distinguished from meadow and arable land; (3) a village community exercising authority within their march.

magistratus ac principes: their dwellings were roughly put together, not permanent homes, so that the people were still half nomadic: we are forced to picture their mode of tillage as like that which is in use in Siberia, where a portion of land is cleared by burning, sown and reaped in the summer, and then left wild while the community repairs to another spot.

The much-disputed passage¹ in the *Germania* of

¹ *Germ.* c. 26: *Agri pro numero cultorum ab universis in vices occupantur: quos mox inter se secundum dignitationem partiuntur: facilitatem partiendi camporum spatia praebeant: arva per annos mutant et superest ager. Nec enim cum ubertate et amplitudine soli labore contendunt, ut pomaria conserant et prata separent et hortos rigent.*

This passage involves many difficulties: *occupantur ab universis* I take as describing the mode of possession,—by the whole village community with a possibility of interchanging the portions allotted to each family: the word has thus an implied reference to the original settlement of the tribe in that locality, when the amount allotted to each village community was in proportion to the numbers. The subsequent partition is a distribution *within* the village community itself. The change of the ploughed fields has reference to the mode of tillage. This interpretation is on the whole that of Waitz (*Verfassungsgeschichte*, i. p. 132) and Hearne (*Aryan Household*, p. 219), though they support it by the use of other readings, which scarcely seem admissible according to the manuscript authority.

For an entirely different interpretation compare Baumstark (*Erklärungen der Germania*, p. 714), who considers that the whole passage has reference to the mode of culture; but it is admitted that according to this rendering the *agri* of one sentence have a different sense from the *ager* of the other; nor is it easy to understand the meaning of the two distributions, according to two different principles, if we suppose that Tacitus was describing by both phrases the permanent condition of the tribes.

A very complete summary of the views of other authors will be found in the above-quoted works of Waitz and Baumstark.

In the *arva per annos mutant*, K. F. Eichorn (*Staats- und Rechts-*

and of
Tacitus
A. D. 100.

Tacitus seems to describe a state of society not very dissimilar. "The lands are held by all interchangeably, in proportion to the number of the cultivators: and these they afterwards divide among themselves according to their dignity; the extent of the territory renders the partition easy. The ploughed fields change from year to year, and there is land enough." The last sentence seems to imply the existence of an *extensive* culture, which consists in cropping different portions of land one after another so as to get the full benefit of the natural fertility of the soil: till manuring is understood—or becomes profitable—it is the best system to adopt, and something similar held its own in parts of Scotland almost till the present century¹. So long as it is in

1795.

geschichte, p. 59 note) and others find evidence of the existence of a three-field culture (see below, p. 57), but the words would apply equally well to any method of tillage where some of the land was constantly left either fallow or uncultivated.

If the precise meaning of this passage is so difficult to discover, it cannot be a matter of surprise that a great deal of controversy has also arisen from a comparison of this statement with that of Caesar. His words are (*B. G.* vi. 22), *Neque quisquam agri modum certum aut fines habet proprios: sed magistratus ac principes in annos singulos gentibus cognationibusque hominum, qui una coierunt, quantum et quo loco visum est agri attribuunt, atque anno post alio transire cogunt.* There has been much discussion as to the progress that had taken place during the century and a quarter which separated them: while the value of the information furnished by each is also open to discussion. A very careful comparison of the two accounts is given by M. A. von Bethmann-Hollweg (*Ueber die Germanen vor der Völkerwanderung*, p. 13), who fixes on the more settled habitations (*Germania*, c. 16), as the one definite point which testifies to a higher civilisation and implies more regular tillage.

No doubt need be felt as to the general correctness of both authors in writing on this subject though Kemble (*op. cit.* i. 40) is inclined to disparage the testimony of Caesar.

¹ On out-field tillage see *Northern Rural Life*, 20.

ogue, anything of the nature of individual property in arable land is of course impossible.

But if Tacitus gives us no evidence of possession of fields, he does lead us to believe that the principle of appropriation was obtaining a wider application. He tells us that the homes of the people were planted here and there in suitable situations; in their villages the houses were placed irregularly and with some space around each¹: subterranean caverns were also usual, both with the purpose of protecting their stores from the severity of winter and, if necessary, to conceal them from the enemy. This gives us a very different picture from that of Caesar (*B. G.* vi. 22) in whose time the tribes seem to have been indifferent to the changes of the seasons. A people every one of whom retained a settled home surrounded by a yard, or a *toft*, may be considered to have completely passed

*Progress
of the
tribes.*

*Property
in the
Toft.*

¹ *Germania*, c. 16: Nullas Germanorum populis urbes habitari satis notum est, ne pati quidem inter se junctas sedes. Colunt discreti et diversi, ut fons, ut campus, ut nemus placuit. Vicos locant non in nostrum morem, connexis et cohaerentibus aedificiis; suam quisque domum spatio circumdat sive adversus casus ignis remedium, sive inscitia aedificandi.

Bethmann-Hollweg (*Civil-Process*, iv. p. 80) argues with some force that these two sentences describe two distinct forms of settled habitation, similar to those which are known as the "joint-undivided-family," and the "village community," and exist side by side in parts of Bengal. The joint undivided family consists of a group of perhaps three generations, among whom there is a common meal, common worship and common property; while in the village community each head of the smaller families has definite property, as distinguished from the other families of the community. Sir John Phear (*Aryan Village*, p. 235) thinks there is a constant tendency for the Joint Family to pass over into the Community: others regard the Joint Family as the later of the two: it appears that in various parts of Europe the Joint Family has held its place as a social form, which continues to reproduce itself rather than to pass into anything else. Lateleye, *Primitive Property*, p. 181.

Higid.

from the condition of nomads, even though the staple of their subsistence was still derived from their herds. Every such markman had a *higid* consisting of (1) definite rights to the use of the uncultivated mark, as well as (2) a claim to his portion of the produce of the meadow land; while (3) a portion of the fields which were at any time under tillage would be assigned by lot for his use. So far he had possession of his house, but only the temporary use of (not property in) arable land, and common rights over meadow and uncultivated mark.

*Adminis-
tration:*

In order that the common tillage, and due management of the meadow land, as well as of the waste which supplied fuel, wood for building, and so forth to each village community, might be carried on, it was obviously necessary that there should be some administration. This has generally been committed by the assembled householders to one man who undertakes the duties for a year¹. In Russia, the office of *headman* is a burdensome one which everyone is anxious to escape²: in other cases it seems as if the administration were hereditary in a

*the
Headman.*

¹ Compare Altenstadt in 1485. "das man alle jare nach Sant Walburgendag so man erst mag ein merkerding halten sol, vnd alle ampt bestellen, nhemlich so sal ein oberster merckermeister vnd ein vndermerckermeister die das vergangen jar merckermeister gewest sein, das merckerding besiczen, und soln die rugen horen, * * * vnd wan das also geschehen ist, so sal der vndermerckermeister vnd alle furster dem obersten merckermeister ire iglichen ampt vflgeben in sein hant, vnd wan sie das gethan, so sal der oberst merckermeister die mercker ermanen vnd sie heissen widder ein vndermerckermeister zu kiesen, das sie dan also thon saln, das auch rechtlichenn also herkommen ist, vnd dieselbenn, die also daruber gekorn werdenn, soln ein obersten merckermeister uber ire ampt geloben vnd zu den heiligenn schwerenn, der marg recht zu thun und niemant vnrecht." Grimm, *Weisthümer*, III. 453.

² D. M. Wallace, *Russia*, 131.

leading family from the earliest formation of the community, for it certainly does not seem possible in all cases to derive individual from communal rights¹. However this may be, we know that even at the first there was no equality², but a difference of status and therefore of wealth among the members of the community: and as time went on these differences became more decided till they resulted in the disruption of the mark and the creation of one or more manorial groups in its place. To the consideration of these we must return later³, for as there is one instance where the earliest type of the mark still survives⁴ we can hardly be wrong in arguing that it was in the earlier form that it existed among some at least of the English tribes when they invaded this island⁵.

¹ Hearne, *Aryan Household*, p. 232.

² Tacitus, *Germania*, 26; cf. Phear, *Aryan Village*, p. 235.

³ See below, p. 53.

⁴ Lauder in Berwickshire. Maine, *Village Communities*, p. 65.

Several similar instances in lowland Scotland are described by Professor Mackay, in the *Scottish Journal of Jurisprudence*, xv. p. 567.

⁵ The village-community is a very widely diffused institution: it may be in a sense natural to a free people who take to a settled life when the simple co-operation of labour is required for carrying on agricultural operations: the labour of slaves can be organised by their master, but that of men who are in any sense free must be organised by themselves through the appointment of a directing head. A general sketch of the institution will be found in Sir Henry Maine's *Village Communities*; other points are brought out in Dr Hearne's *Aryan Household*. A good account of the system as actually existing is given, by Sir John Phear (*Aryan Village*) for India and Ceylon, by Mr D. Mackenzie Wallace in *Russia* (pp. 118 f.), by M. Laveleye for other parts of Europe in his *Primitive Property*, where many survivals are noted.

The history and changes in the institution in Germany are fully described by von Maurer, *Markverfassung* and more briefly in his *Einleitung*: the corresponding changes in England can be partly

*Intensive
culture.*

* § 11. The next stage in the transition to private property in arable land is one that Mr Wallace describes as going on at the present day in Russia¹: it follows upon the introduction of a better system of tillage. When, either from its conveniency for their fixed dwellings or as a possible effect of increasing numbers, since they find that by expending labour in manuring a better crop can be obtained, men prefer to continue cultivating the same fields, a system of *intensive* farming will be rapidly introduced. Instead of trying to keep up the supply by taking in a new area, men will employ more care and forethought on the lands already under plough; they will wish to plan their operations with regard to a longer period of time, and will be glad of such conditions of tenure as will enable them to carry out their purpose. The plot that is really well worked one year will retain a certain portion of the advantage for a second², a third or

traced with the help of Kemble, *Saxons in England* (I. pp. 35—71), Stubbs, *Constitutional History* (I. pp. 33, 49), and Nasse, *Land Community*.

The historians of Ireland and Scotland have noted a state of society which was somewhat similar, though modified by a strong feeling of kinship and respect for the head of the sept; see the introduction to O'Curry's *Manners and Customs of the Ancient Irish*, I. 131—196, and a history of early tenures in Mr Skene's *Celtic Scotland*, III. pp. 139, 148, 215.

It is interesting to find traces of the same institution among a Semitic people, as we may do by an examination of the incidental allusions in the Bible to the land system of the Israelites. For the first settlement see the *Theological Review*, XIV. 489, and for an admirable account of the changes as well, see the *Church Quarterly Review*, X. p. 404.

¹ *Russia*, 550.

² "In the parish of Alvah, fields to which lime had been applied, were reckoned fit to yield from twelve to nineteen crops of oats in succession. And it was to Kincardineshire that the old

a fourth season; and the holder's claim to get the benefit of his unexhausted improvements will make him desire to retain the use of his land for a longer period than the single year for which the plot was originally allotted to him. Where intensive culture is well carried on this will be felt by all the members of the community; and few, if any, will desire a re-allotment of the lands: only among backward communities will the custom of annual or even of frequent redistribution linger; and gradually it falls into disuse altogether. When this occurs, the markman still retains the same rights over his house and yard, still has common rights on meadow and waste, but has acquired a right to the use of a certain part of arable land indefinitely, since with the introduction of intensive culture, the practice of redistribution falls into disuse.

*Communal
right of
Redistri-
bution
falls into
disuse.*

Whether this change took place before or after the English invasion, whether intensive culture was known to our forefathers when they came here, or introduced after that time, it may be impossible to decide with certainty¹: in either case there is some ground for supposing that

*Had the
first Eng-
lish settlers
private
property in
arable
land?*

school farmer belonged, who, on being complimented on the good appearance of his crop, said, 'It's nae marvel, for it's only the auchteent (eighteenth) cròp sin' it gat gweedid' (dunged).'" *North-ern Rural Life*, p. 23. If the application of lime or manure appeared to give rise to such long-continued benefits, we can easily understand that markmen who had been at the trouble of improving their plots, would protest against a redistribution.

¹ Waitz (*Deutsche Verfassungsgeschichte*, I. p. 115) considers the probabilities are strongly in favour of the supposition that they carried it with them. This may well be so, but it is worth while to observe that in the time of Tacitus, as in that of Caesar, they were ignorant of intensive culture in its commonest form: the current cameralistic tradition in Germany ascribes the introduction to Karl the Great; the earliest known mention of the system there is in 771. Cf. G. Hanssen in *Zeitschrift für allg. Staatswissenschaft*, Tübingen, 1865, p. 83.

alod,

the improvement in tillage was due to Roman influence. Be this as it may, we cannot regard the fact that certain parcels of ground in England were held by allodial tenure as conclusively shewing that these very yards of land had been allotted to some freeman at the first occupation by the invaders. If the *alod* was the portion of each freeman¹, then we may say that what he claimed

¹ Kemble, *op. cit.* I. 90, 132. Dr Stubbs appears to take a different view and to regard the *alod*, not as the *higid* allotted to the ordinary freeman at the time of the conquest, but as an additional estate granted to 'nobles or other great men.' *Constitutional History*, I. p. 74.

If this be so, the *alod* was a definite piece of land, appropriated in perpetuity and subject to no communal rights; and the grants of *boctland* to monasteries were not the first instances of private property in land; see below, p. 48.

This view also simplifies the account to be given of the growth of the *manor* out of the *mark*: where a warrior possessed a *higid* and had thus a part in a community of freemen, and at the same time had an *alod*, or estate cultivated by the conquered slaves, we would have the main features of a *manor*, except the judicial process which the lord possessed later. See below, p. 53. But the origin of the smaller manors can scarcely be thus explained.

Its derivation throws no light on the point in question: it has been traced by different writers to *lead* people, *hlyt* lot, and *ethel* noble. Mr Skeat regards it as composed of *aldr* eld, and *od* a homestead. *Etymological Dictionary*.

When there is such a difference of opinion between scholars, it is only possible to give a tentative preference to the view which is slightly favoured by general considerations. We have not found that the freemen and nobles among the Germans differed in the *kind* of tenure by which they held land; and we are not forced to suppose that the conquest of Britain effected such a change in the habits of the people as to permit of the nobles, not only having a preference over the freemen in obtaining the use of larger shares of communal land, but procuring, unlike the freemen, a *property in land entirely free from communal control*. Nor did the blood nobility (*earls*) maintain such a superiority over the freemen (*churls*), in the English social system as would be natural from their having a very

was not a mere parcel of land, but a *higid* including *higid* rights to the feesimple of his house and yard (toft), rights of pasture, of grass, &c., and the use for an indefinite period (that is till the community determined on a redistribution) of a portion of arable land suitable to his toft¹. The arable land which was in his possession when redistribution fell into disuse finally, would continue to be his by free allodial tenure.

§ 12. While the German tribes were becoming more permanently settled in their continental homes, we find that they were also successful in the arts of war: for this they had abundant opportunities, and it could be carried on without disturbing the territorial system which has been described. We have an instance of a great defensive war in which the Suevi engaged, half of them being under arms, and half occupied in tillage every year²; the village system rendered this arrangement possible, and it was adopted by the English at a much later date as giving the best systematic defence against the Danes. Again we find members of these tribes employed by the Romans as mercenaries under their own leaders, not merely recruited from German settlements within the limits of the Empire³, although such settlements existed.

War as practised by the German tribes.

A.D. 894.

marked preference shewn them at the time when the conquered territory was distributed.

¹ A long discussion as to the precise extent of these various rights will be found in von Maurer's *Markverfassung*, pp. 117—170.

² Caesar, *B. G.* IV. 1. Hi centum pagos habere dicuntur, ex quibus quotannis singula milia armatorum bellandi causa ex finibus educunt. Reliqui, qui domi manserunt, se atque illos alunt. Hi rursus in vicem anno post in armis sunt, illi domi remanent. Sic neque agricultura nec ratio atque usus belli intermittitur. Compare the *English Chronicle* under year 894.

³ Bethmann-Hollweg, *Die Deutschen vor der Völkerwanderung*, p. 78.

Piracy.

But much more important schooling in warfare was the piracy which was the recognised business of many of the people in their villages, and which offered a constant opening for the employment of the surplus population.

*Increase of
Population.*

What may be the conditions which render a nation so specially prolific as they then were are hardly known¹; but it is commonly said that peoples just emerging out of barbarism exhibit a suddenly increased power of multiplication; partly perhaps because a more settled life is favourable to the nurture of the young. The social conditions which rendered the Germans more prolific than the Romans are alluded to by Tacitus²; and these along with the simplicity and vigour of a young nation make up the whole explanation that can be given³.

*The
English as
Frisian
pirates.*

This increase of population gave a continual surplus which could not be supported on the then existent rural system: but the German's love of wandering is as strong as his love of home, and any leader who started on a life of adventure in foreign parts was likely to find a following. In inland districts these bands doubtless resembled the freebooters who infested the English and Scotch borders, and whose doings are familiar to the readers of the *Monastery* and others of the Waverley Novels: but the tribes that bordered on a sea coast sent out their surplus population to engage in regular piracy along neighbouring coasts. The coasts of Normandy and of Britain had suffered for many years at the hand of these

¹ They are most ingeniously discussed by Doubleday, *True Law of Population*, who produces much evidence to shew that fecundity is connected with privation. Compare also Roscher, *Political Economy*, II. p. 297.

² *Germania*, cc. 18, 19, 20.

³ M. A. Bethmann-Hollweg, *Die Germanen vor der Völkerwanderung*, p. 18; *Civil-Process*, IV. pp. 104—129.

pirates, so that the officer whose duty it was to repel these attacks had the regular title of *Comes Litoris Saxonici per Britanniam*¹. And indeed these ravages, at the hands of one or other of the northern peoples, continued for centuries,—so long as warfare was prosecuted by the Norsemen as a regular business². Such a life of adventure, fitting in as it did with the institutions which survived from times when war was necessary for the defence of all, not merely for the maintenance of some, was eagerly adopted. Kemble asserts that the accepting a place in a leader's *comitatus* was incompatible with the status of a freeman³, but of this there is no sufficient proof. The idea that it was a duty to respect the property of foreigners, or even of neighbouring tribes, was

The comitatus.

¹ E. Guest, *Early English Settlements*. From *Proceedings of Archaeological Institute*, 1849, p. 6. Another view of this office is taken by Lappenberg, *Saxon Kings*, i. p. 46.

² E. G. Geijer, *Poor Laws*, pp. 70, 102, has some interesting remarks on the effect of this continued prosecution of war as a trade on the internal development of Sweden: for its effects on an inland people, see W. W. Hunter, *Rural Bengal*, p. 219. Compare the various enumeration of employments given by Aristotle: οἱ μὲν οὖν βίοι τοσοῦτοι σχεδὸν εἰσιν, ὅσοι γε αὐτόφυτον ἔχουσι τὴν ἐργασίαν καὶ μὴ δι' ἀλλαγῆς καὶ καπηλείας πορίζονται τὴν τροφήν, νομαδικὸς γεωργικὸς ληστικὸς ἀλιευτικὸς θηρευτικὸς. The pirate's employment is treated of as a subdivision of the larger class of men who get their living by the chase. *Politics*, i. c. 8, §§ 7, 8. See also the Cyclops' enquiry of Ulysses:

ὦ ξείνοι τίνες ἐστέ; πόθεν πλείθ' ὕγρὰ κέλευθα;

Ἢ τι κατὰ πρῆξιν ἢ μαψιδίῳς ἀλάλησθε

Οἶά τε ληϊστῆμες ὑπερὶ δαΐ; τοὶ τ' ἀλῶνται

Ψυχὰς παρθέμενοι, κακὸν ἄλλοδαποῖσι φέροντες.

Od. ix. 254.

Thucydides calls attention to this state of things as evidence of a very different state of feeling to that of his own day. i. c. 5.

³ J. M. Kemble, *Saxons in England*, i. p. 173. Waitz, *op. cit.* i. p. 348 and note.

quite beyond them: reverence for their domestic and tribal gods would not tell in favour of respect for the property of the stranger¹.

*Temporary settle-
ments of
pirates.*

It may not always be possible to distinguish the ravages committed by such bands from the migrations of a tribe that found their quarters uncomfortably contracted: for the pirates might settle for a time as the best means of securing the spoils, and the fort thus formed become a centre to which their countrymen migrated: nor was very much more preparation required for the one expedition than for the other. Their wives and children were stowed in the wagons their oxen drew², so that a portion of any tribe could swarm off by land transit to quarters that were unpeopled or weakly defended, and their ships would give similar or even greater facilities. But we hear of cases where these migrations were due to special causes which drove a tribe from its home: such was the migration of the Usipetes from the neighbourhood of the victorious Suevi³: or of the Cimbri when driven from their homes on the Danish peninsula by the incursion of the sea⁴. The great incursions of the English into Britain were not improbably partly due to similar destructions of their homes: the people would thus be forced to migrate as a body, instead of merely⁵ sending out bands of marauders or comparatively small bodies of settlers.

B.C. 55.

Tribal

The organisation⁶ of the tribes was closely connected

¹ Hearne, *op. cit.* p. 414.

² Caesar, *B. G.* I. 51. Tacitus, *Germania*, 7. 18. *Hist.* IV. 18. Procopius, *De bello Goth.* I. 1. *De bello Vandal.* II. 3.

³ Caesar, *B. G.* IV. I, 4.

⁴ Bethmann-Hollweg, *Civil-Process*, IV. p. 105 and note 2.

⁵ The account in Dr Stubbs' *Constitutional History*, 1875, pp. 12--36, is clear. Fuller references to the original authorities will be found in Bethmann-Hollweg, *Civil-Process*, IV. pp. 75--104, and

With the two ways of life which have been described: *organisation.* the *mark* (*vicus*) was the unit of the national economy, in the mark moot the method of tillage and lot of each freeman were decided: the *gau* or hundred (*pagus*) was a military and judicial division of the people (*civitas*) as a political whole; and in each of these there were assemblies for the conduct of affairs. In these assemblies the freemen and *nobiles* took part and elected the *principes*, who were their judges and captains: while the captives of war, or those who had lost their freedom through crime, were the mere slaves of the free, with no portion in the soil and no right of defending themselves by arms. The *principes* (and possibly any individual who could assume the part of a successful leader) gathered a *comitatus*, who were bound by the closest of all ties to fight in his behalf and act as a permanent force, or as a body of freebooters or pirates when the tribe became more settled. At the head of all was the king, elected from among the direct descendants of the gods; a princeps in his own hundred, he was seldom called on to exercise any authority over the whole nation; yet when a national council was held he would preside; or if a national migration took place he was the natural leader.

In this rough sketch it has not seemed necessary to attempt to distinguish the English from other German tribes. Linguistic affinities shew that they come of the Low German stock¹: the Saxons have been identified

a minute discussion of the whole in G. Waitz, *Deutsche Verfassungsgeschichte*, i. p. 170. Many statements in the text are subjects of dispute; as e.g. the distinction between the *nobiles* and *principes*, the origin of kingship, and the marked distinction of functions in the *mark*—*gau*—and *folk moot*.

¹ Grimm, *Geschichte der deutschen Sprache*, p. 658.

with the Ingaevones of Tacitus¹; they are mentioned by name by Ptolemaeus as dwelling at the mouth of the Elbe, in close association with the Angli and Suevi, who were probably identical. Portions of the tribes continued in the old settlements, and as Old Saxons preserved their ancient customs till at least the time of Bede², but we cannot allege any important difference in the form, so far as known, in which either branch of the tribe maintained the common customs and institutions of the people.

A.D. 730.

German culture.

Still less can we hope to form any very clear idea of the precise stage of civilisation they had reached. Their arms, wagons and ships prove that the Germans had a certain amount of manual and mechanical skill: it is probable³ that they were acquainted with the art of writing and kept rude chronicles of the doings of their race: they traded so much as to have a coinage of their own⁴, and some of the tribes must have had many opportunities of adapting to their own use the arts and appliances of Roman civilisation; but we have no means of estimating the exact stage of civilisation to which any of the English tribes had attained, before they invaded Britain.

Britain in the fifth century.

§ 13. Such was the condition of our forefathers in their continental home, and it is interesting to form some estimate of the condition of the island of which they came to take possession: the history of its conquest by the Romans does not concern us, but the colonisation which succeeded that conquest is of great importance.

¹ *Germ. c. 3.* Zeuss (*Deutschen u. Nachbarstämme*, pp. 150, 380) gives the earlier notices of these names, and in pp. 490—501 an account of the tribes at the time of the invasion of Britain and subsequently.

² *Hist. Eccl. v. c. 10.*

³ Guest, *op. cit.* p. 12, n.

⁴ Ruding, *Annals of the Coinage*, 1. 101.

The Roman citizens greatly coveted grants of the broad territories which were subdued by their legions¹, and there was never difficulty in planting a new *territorium* with such settlers: the tenure on which they held their estates was technically known as *possessio*², since the land was theoretically resumable by the state, though as a matter of fact it was hereditary, and licence could be obtained for its alienation. But the old inhabitants were retained as *coloni*, the actual cultivators of the soil to which they were attached, though they had in other respects a considerable measure of personal freedom³. But the most important changes were those which were made on the actual land itself. All Roman *territoria* were laid out on one definite plan; roads were made both as great channels of communication, and for the purposes of tillage: these roads served as the limits of the different *centuriæ* (of about 200 acres each) into which each *civitas* was divided, while the boundaries were marked with mounds, stones or trees, which defined in a permanent manner the limits of the various estates. Each *territorium* was thus laid out by the Roman *agrimensores*⁴, in rectangular portions which were designed to be permanent divisions of the soil.

The Romans were also accustomed to introduce such plants and trees as they thought would flourish in any new colony: the cherry and the vine were brought here by them, as in all probability were half of our forest trees, if the names are taken as evidence: Mr Coote also thinks that some herbs were introduced, and, among

¹ H. C. Coote, *Romans in Britain*, p. 239.

² H. C. Coote, *op. cit.* p. 125.

³ H. C. Coote, *op. cit.* p. 128.

⁴ A most interesting account of the laying out of a *territorium* will be found in Mr Coote's *Romans in Britain*, pp. 51—119.

The colonies in Britain.

A.D. 61.

A.D. 297.

A.D. 250.

other things, quickset hedges¹. The whole country as far as Hadrian's Wall was portioned out, and the amount of corn produced must have been very great; the Roman settlers had built numerous cities, and in them the municipal and social institutions, to which the cultivated Italian was accustomed, were introduced. Of the high civilisation, and large population which existed in the island under the Roman occupation, we have abundant evidence. The colonies at Londinium and Verulamium possessed a population of which 70,000 were slaughtered in the days of Boadicea². A later panegyrist³ describes the rich natural productions, the minerals, flocks and herds, the commercial facilities, and the revenues derived from them, while we also learn that there were fifty-nine cities in Britain about the middle of the third century⁴.

But before the English made any attempt at settlement this civilisation had received many rude shocks: the inroads of the Picts had been repelled, but the country had also suffered from the plundering expeditions of the Saxons: the imperial army and officers

¹ For a good summary of the effects of the Roman occupation, see C. H. Pearson's *England in Early and Middle Ages*, 1. 55.

² Tac. *Ann.* XIV. 33.

³ Eumenius. Et sane non sicut Britanniae nomen unum, ita mediocris iacturae erat reipublicae terra tanto frugum ubere, tanto laeta numero pastionum, tot metallorum fluens rivis, tot vectigalibus quaestuosa, tot accincta portubus, tanto immensa circuitu. *Panegyricus Constantio*, c. 11. Merito te omnibus caeli ac soli bonis Natura donavit, in qua nec rigor est nimius hiemis, nec ardor aestatis, in qua segetum tanta fecunditas, ut muneribus utrisque sufficiat et Cereris et Liberi, in qua nemora sine immanibus bestiis, terra sine serpentibus noxiis; contra pecorum mitium innumera-bilis multitudo lacte distenta et onusta velleribus. *Panegyricus Constantino*, c. 9.

⁴ Ἐχει πόλεις ἐπισήμους πθ', Marcianus, *Heracleota*, 11. c. 14.

were withdrawn, and though the cities may have done their best to carry on the government, and did render a prolonged resistance possible under Ambrosius, the whole fabric of society must have been shaken. The destruction of commerce would affect the towns seriously, and the revenues of the proprietors who lived in them would be destroyed: so long as seed-corn could be saved from year to year, and sufficient population left to do the necessary labour, the annual harvests would continue to be reaped; but in many quarters they were gathered by the pirates who had not sown them. A.D. 520.

For if warfare was prosecuted by the northern tribes as a means of livelihood, it must not be forgotten that they lived by the transference, not by the production of wealth: there have been many curious relations between war and commerce: war has opened up new routes for commerce¹, or secured a footing for merchants in distant lands²; but the effect of invasion on industry is always hurtful, for it destroys the conditions which give most encouragement to steady labour. Bede's description of the state of Britain³ in the first half of the fifth century cannot be controverted, and a people which had been subject to attack from two different quarters, while they were torn with intestine quarrels, must have had their industrial system entirely disorganised; the towns especially must have suffered, and not impossibly in some cases, been entirely deserted⁴. *War and industry.*

¹ On the Crusades, see below, p. 119.

² On progress of our Colonies, see below, p. 334.

³ *Hist. Eccl.* i. cc. 14, 15, 16.

⁴ Mr Coote's most interesting volume, entitled the *Romans in Britain*, has been enlarged from an earlier work, *A neglected fact in English History*. He contends 1, that the *coloni* of the Romanised portion were Belgae, not Celts; that the Low German dialect we speak was the language of these *coloni* (as modified by contact with

English
incursions.

§ 14. The earliest expeditions of the English to Britain were doubtless intended for purposes of plunder :

Latin which has given us our w.), not of the invaders : 1, that the Roman tenure of land in its minutest particulars, and 3, that the police system (hundred and tithing), the municipalities and other Roman institutions, continued practically untouched by the presence of the savage Anglo-Saxon invaders, who assumed the prerogatives and property of the Emperor ; till at length with the advent of the Danes, the descendants of the Roman inhabitants attained more freedom, and at the Norman Conquest shook off the Anglo-Saxon tyranny for ever. As this theory takes a very different view of the course of history from that adopted above, it seems necessary to state in a few words the difficulties which lie in the way of accepting an opinion which is supported by a mass of evidence, and much ingenious argument.

1. There is a difficulty in understanding how the *coloni* preserved their Teutonic speech under Roman domination ; while the names in Britain appear to have been thoroughly latinised, and a Latin speaking element was apparently forced into Wales at the English invasion : we should have expected a Romance language here as well as in France and Spain. 2. The supposed preservation of the land tenure is incompatible with the existence of the mark : we could account for the existence of an agricultural system like that of the xivth century, but not for the mark which preceded it, and which seems to have been almost universal. 3. There is no evidence that Mr Coote has devoted much attention to German institutions as they developed on the right bank of the Rhine, while he has surely underrated the civilisation of the Saxon tribes before the invasion. Even granting that the various Anglo-Saxon laws he cites are closely analogous to Roman ones, it seems quite possible that they actually were of Teutonic origin. The accounts we possess of the conversion of England seem to leave no room for the supposition of a Belgic or Loegrian (not a Celtic) Christianity, such as we should expect to find surviving among the *coloni* along with the civil institutions. 4. There seems to be very little evidence that the municipalities organised themselves so completely for military purposes in the fifth century, and had retained their organisation so perfectly as to take the part ascribed to them in the Danish wars five hundred years later.

the existence of wardens of the Saxon shore is perhaps the only evidence we get of the actual occurrence of these incursions; but that suffices to confirm the conclusion to which all analogy leads us. We next find them mentioned as mercenaries under the tribal king of Kent¹, A.D. 449, and establishing a firm footing in the land where they were employed². For more than a century from that time the struggle continued, English settlers pouring in in successive bands, and at length obtaining complete possession of the country.

The invasion of the English differed from the invasions of most of the German tribes, since it was met by popular, rather than by imperial resistance; the possession of the country was not secured by transferring the reins of power from imperial officers to a barbarian king, but by the actual subjugation of the inhabitants themselves. Defeated in battle the Britons sought for refuge, not in the cities, but in the mountains, woods and fens, and few remained alive to submit themselves as the slaves of the barbarians. *Completeness of the conquest.*

Such is the account which is given by Bede; on its truth as a general statement of what took place we may certainly rely³. But although as a general statement it

This may suffice to indicate the general objections to which the theory seems to lie open: a crucial point will be raised below, p. 73, note.

¹ Bede, *Hist. Eccl.* i. c. 14.

² *English Chronicle*, 449.

³ Gildas and Nennius confirm it amply: it has been attacked on two grounds, that of inherent improbability, and because of the silence of other contemporary historians. But if the English were opposed, not by an army, but by the people in arms, there is every probability that a war of extirpation was necessary to give the not relatively very numerous invaders perfectly secure possession. With constant trouble from the barbarians nearer home, the loss of an

*Survival
of the
conquered*
A.D. 491,

is sufficiently accurate, we should be mistaken in supposing that this account was strictly true of each particular district of the country. A series of incursions, ranging over a period of more than a century, would not be all met by the same kind of resistance. Some of the Roman cities were carried by storm, others like Anderida, were starved into meeting their fate¹, but London was able to escape destruction: so probably were Rochester and York², and some others; so that here and there throughout the land were preserved British communities, which paid a tribute to the conquerors, and by this means secured their lives. Nor should we be justified in supposing that these communities only existed in the cities: in the Yorkshire moors the people of the Leeds district held their own, and there is reason to believe that some of the conquered took refuge in the fens³, like island, for which the imperial government was no longer responsible, was not an event of which full details can be expected.

A.D. 633.

To meet these supposed difficulties it has been said, that the whole of the south-eastern shore was settled by Saxons before the Roman withdrawal: this view, which is taken by Lappenberg (*Saxon Kings*, I. 46, 112), seems to rest chiefly on an unsatisfactory explanation of the *litus Saxonicum*: others argue that a colony of English may have been planted by the Romans in Britain; this is a possible supposition, but not so far as I see necessary to explain the facts. Zosimus (lib. 1) describes Vandals thus settled in Britain. Coote, *op. cit.* 194.

Again, we have Mr Coote's theory, which has been briefly discussed above, that the Saxons merely dominated over the *coloni* who, Belgic in race, were the real source of our English language, and partly Roman institutions.

¹ Henry of Huntingdon, II. c. 10.

² *English Chronicle* under years 616, 626. On the survival of municipalities in early English times compare a paper of Mr T. Wright, *Archæologia*, XXXII. 298—311.

³ There are a good many Celtic names preserved in Cambridgeshire; the laws of the Thengs Gild (Cooper, *Annals*, I. 15) imply

the followers of Hereward at the time of a later invasion : so too in Wessex itself¹ it seems that some of the Britons were so far successful in resistance as to maintain a footing as landholders. For there can be no doubt, that unless the slaughter proceeded from a mere ruthless love of destruction, the proportion of inhabitants who were preserved, in different districts, would vary. The traces of Welsh names are more numerous in Kent than in Sussex : and it seems not improbable that the conquest of the first kingdom was effected with comparative ease, and that there was in this case rather a usurpation than a conquest. So too in Northumbria the number of inhabitants preserved seems to have been considerable ; while the new settlements in the northern part of that kingdom were few and far between. In Cumbria and Strathclyde the chief power remained in Celtic hands, though some of the invaders found homes for themselves in that district². The names of their villages are the chief indications of the tide of English conquest ; though it has been suggested that the number of hundreds in different parts of the country gives us a rough idea of the number of English who settled there³ ; but this hypothesis is not confirmed by other evidence.

who were more numerous in some parts than in others.

For our immediate purpose however it is not necessary to enter into the controversies about these institu-

the continued existence of Welshmen round the town ; for it does not seem in this case that 'wealth' merely means foreign to the gild. See also *Liber Eliensis*, p. 112.

¹ Coote, *Romans in Britain*, p. 182.

² Such names as Cunningham in Ayrshire, Penninghame in Wigton, Workington, and Harrington in Cumberland, are evidence of these scattered settlements in a Celtic kingdom. On the meaning of such names, and the evidence they furnish as to the distribution of different septs, see Kemble, *op. cit.* I. App. 1.

³ Pearson, *op. cit.* I. 101.

*Effect on
the towns.*

tions; it suffices for us to notice that the long-continued struggle must have had the most serious effect on industrial life; that the towns, no longer centres of commerce, were deserted and decayed. There are indeed some towns which still shew their Roman origin by their plan: in Leicester, a double line of streets marks the course of the old wall, and the walls and main streets of Chester are equally suggestive. These towns may not have all suffered the decay which had befallen the old deserted city Granchester in the time of Bede¹, and which was the more common fate. With the decay of the cities came the disuse of many of the roads which led from them into the country around, while the need for communication between distant parts of the island was no longer felt: thus it was that many of the benefits which Britain had derived from the Roman occupation were lost in this time of disorganisation and warfare.

*The social
system of
the con-
querors,*

Each body of immigrants as they conquered a new district divided it into two portions: one was the *folkland*, of which the king was trustee but which was held for the purposes of the nation: the other was allotted to the freemen who had formed the main body of the army. The actual cultivation of their own allotments would be carried on by the freemen and their families, including any slaves or dependents they might have; while in the other case the actual cultivation must have been due to dependent, or unfree farmers, who did not enjoy the whole produce themselves, but provided the fund out of which the king supported his *comitatus* (*gesithas*, *thegns*). Such were the various classes of the community: the king and his thegns subsisting on the profit of the folkland; the freemen in the marks each cultivating his alod, the

¹ Bede, *H. E.* iv. 19.

anfree farmer on the folkland, the conquered or criminal slave in the household : other divisions there were, such as that among the freemen, of *earls* and *churls* according to nobility of birth, but these were main divisions which were necessitated and perpetuated by the industrial system.

A system of tribes isolated from or rather hostile to one another would give little opportunity for the maintenance of cities or of roads ; the utility of any such material structure depends on the stage of civilisation which the inhabitants of the country have reached : and the ruin which was begun by the plundering expeditions was doubtless in many cases completed under the social system of the new occupants. *and the maintenance of roads and towns.*

To one point only need special attention be called : it is not clear that immediately after the English conquest there was any private property in land : there was not necessarily any in the mark, for the freeman's share in the village land was possibly still subject to re-arrangement in the mark-moot : and there was none in the folkland, of which the king was trustee, but not proprietor. The nearest approach to private property was in any municipalities and British kingdoms, where Roman practices still held good,—but subject to a tax to the conquerors,—or else on parts of the folkland, where the *wealhs* may have continued to cultivate their old lands on somewhat similar terms. *Was there private property in land?*

§ 15. The coalescence of these little kingdoms into larger ones, and finally into the one English kingdom, need not necessarily have made any great change in the methods of cultivation, or in the status of the inhabitants. When two septs were joined the two folklands would be used by the victorious king for the support of an enlarged comitatus, but the cultivators of that land would keep *Coalescence of kingdoms :*

growth of
royal
power,

and of that
of the
thegns.

their old position, nor would the freemen of the conquered kingdom be necessarily enslaved. In one respect however such fusion was of great importance. The power of the kingly office increased with the increase of his responsibilities¹: and with the increase of his power the status of his personal dependents rose as well: the earl or even churl in a township was not so very far removed from a king whose realm consisted of only a few hundreds; but when the king ruled over several counties the case was different: and the thegns of these more powerful kings came to have a much higher social status than they had at first; the churl or earl kept his old position, while that of the others had greatly improved.

The chief means of maintaining these thegns—from folkland—has been already indicated; only when royal authority had considerably extended, did the profits of jurisdiction and dues from trade form a large portion of royal revenue: but it has not been noted that in thus devoting a portion of land to public uses the English were only perpetuating a custom which prevails in nomadic and half-settled communities. The power of a Kafir chief depends chiefly on the quantity of cattle he possesses, and with which he rewards his followers²: and the young men of the tribe frequent his court and

¹ Kemble, *Saxons in England*, i. 147.

² Compare a *Compendium of Kafir Laws and Customs printed for the Government of British Kaffraria*, 1858. The reports which were sent by government officials describe many institutions which are curiously similar to Teutonic and Celtic ones. The judicial system, pp. 58, 74, the royal revenue, p. 29, the wergilde, p. 61, the position of married women, p. 54, are all of interest in this respect. The occasional removal of the kraal when the land is exhausted, p. 150, reminds one of the description given by Caesar. See above, p. 22.

do *busa*, as the *comites* attached themselves to a leader. Among the English, the thegn received his arms from the king, and they were returned at his death, the redelivery being a *heriot*; he was supported by a grant of land which the king allowed him so long as he did faithful service.

The introduction of Christianity was not of the same importance as a civilising agent in England as in the northern parts of the island¹; the remains of Roman roads, and of Roman traditions in the cities that had survived, were sufficient to prepare the way for improvements so soon as the English were able to take advantage of them; and the *laeti* and slaves would be well acquainted with Roman modes of tillage. There is comparatively little material advance that can be directly ascribed to Christian missions to England. They had great indirect importance however, for the fact that S. Augustine and the other leaders of the Roman mission came especially to the kings, and that Christianity was from the first a court religion, gave these teachers the position of royal dependents, closely analogous to that of the thegns². As the one did service by fighting for the king, so did the others intercede for him by their prayers; but while the military service could only profit him during his life, the prayers of God's priests might avail him in the place of the dead. It thus became desirable to secure the perpetual rendering of such service; and kings began to make provision for communities of priests, by granting them a

*The
Roman
mission*

*and priests
as Chris-
tian
Thegns.*

¹ The civilising influence of the Columban Church among the northern tribes can hardly be exaggerated: each monastery which was planted became a living witness, to a wild age, of the excellence of a godly life of industry rather than of one of contemplative piety, artistic work and education. Many roads in Scotland were due directly or indirectly to the existence of monasteries. Skene, *Celtic Scotland*, II. 351. Innes, *Scotland in Middle Ages*, p. 146.

² Lingard, *Anglo-Saxon Church*, I. p. 171.

Bocland,

piece of land where they might 'serve God for ever.' This land was secured to them by means of a charter (*boc*), and thus portions of the folkland were granted away as *boclands*.

*how
granted,*

As such grants were made out of public property for which the king was only trustee, they could only be made with the consent of the *witan*, and this may have been some protection against very frequent or very large grants: but as the kingdoms increased in size there was less possibility of a grand assembly of all freemen at the *witenagemot*; these were sometimes, in consequence, little more than a gathering of a few royal thegns, who did not put a very effective check on the disposition of the king.

*and often
obtained on
false
pretences.*

The character of the numerous monasteries thus founded, which were each independent and not responsible to the head of an order, depended very much on the character of the ruling abbot: in some cases no real discipline was enforced, and the pious purpose was only put forward as an excuse for securing land in perpetuity. These pretended monasteries were a source of grave scandal; but the advantages of a perpetual as opposed to a merely temporary possession of land were so great, that men were strongly tempted to endeavour to secure estates on these terms. Others succeeded in obtaining grants on the strength of an intention, which was never carried out, to found a monastery; and large portions of territory were disposed of, in what were little better than packed assemblies.

*Monopolising the
folkland,
A.D. 730.*

This process had already gone on to a great extent in the Northumbrian kingdom in the time of Bede, whose letters to bishop Ecgberht¹ give us very im-

¹ The letters are worth quoting at some length. Bede advocates the establishment of additional sees, and continues, "Ac si opus esse visum fuerit ut tali monasterio, causa episcopatus suscipiendi am-

portant information on the subject. He points out that most serious consequences must follow to the national economy from allowing the land to be thus monopolised.

plius aliquid locorum ac possessionum augeri debeat, sunt loca innumera, ut novimus omnes, in monasterium ascripta vocabulum, sed nihil prorsus monasticae conversationis habentia.....Et quia hujusmodi maxima et plura sunt loca, quae, ut vulgo dici solet, neque Deo neque hominibus utilia sunt, quia videlicet neque regularis secundum Deum ibidem vita servatur, neque illa milites sive comites secularium potestatum qui gentem nostram e barbaris defendunt, possident; si quis in eisdem ipsis locis pro necessitate temporis sedem episcopatus constituerit, non culpam prevaricationis incurrere, sed opus virtutis magis agere probabitur.....Ne nostris temporibus vel religione cessante, amor timorque interim deseratur inspectoris, vel rarescente copia militiae secularis, absint qui fines nostros a barbarica incursione tueantur. Quod enim turpe est dicere, tot sub nomine monasteriorum loca hi, qui monachicae vitae prorsus sunt expertes in suam ditionem acceperunt, sicut ipsi melius nostis, ut omnino desit locus, ubi filii nobilium aut emeritorum militum processionem accipere possint, ideoque vacantes ac sine conjugio, exacto tempore pubertatis, nullo continentiae proposito perdurent, atque hanc ob rem vel patriam suam, pro qua militare debuerant, trans mare abeuntes relinquant, vel majori scelere et impudentia, qui propositum castitatis non habent luxuriae ac fornicationi deserviant.....At alii graviore adhuc flagitio, quum sint ipsi laici et nullius vitae regularis, vel usu exercitii, amore praediti, data regibus pecunia, emunt sibi sub pretextu construendorum monasteriorum territoria, in quibus suae liberior vacent libidini, et haec insuper in jus sibi hereditarium, regalibus edictis faciunt ascribi, ipsas quoque litteras privilegiorum suorum, quasi veraciter Deo dignas, pontificum, abbatum, et potestatum saeculi, obtinent subscriptione confirmari. Sicque usurpatis sibi agellulis sive vicis, liberi exinde a divino simul et humano servitio suis tantum inibi desideriis laici monachis imperantes deserviunt.....Sic per annos circiter triginta * * provincia nostra vesano illo errore dementata est, ut nullus pene exinde praefectorum exstiterit qui non hujusmodi sibi monasterium in diebus suae praefecturae comparaverit.....Et quidem tales repente ut nosti, tonsuram pro suo libitu accipiunt, suo examine de laicis non monachi, sed abbates efficiuntur." §§ 10, 11, 12, 13.

The king could no longer support an effective body of retainers and the nation would be left defenceless; land monopolised by such men was of use neither to God nor man. Modern writers have noticed how the land rises in value as the community advances, so that certain proprietors gain largely through no efforts of their own¹; the desire to secure this unearned increment for the state, has prompted politicians in new countries to protest against granting any land in perpetuity there: the change against which Bede protested was the first step towards the state of things which Mill deplures, but the evils he saw were of a different kind: to allow a few men to monopolise the folkland in perpetuity was to sap the national resources, so that the army could not be maintained, or the veterans rewarded.

a cause of
national
weakness.

There is an interesting confirmation of Bede's warning in the sudden collapse of the Northumbrian kingdom so soon after his time; while Wessex, which ultimately absorbed the whole Heptarchy, was so situated that it was possible to keep up an effective *comitatus* by grants of the lands from which the Welsh were gradually driven back².

Property
and
Monopoly.

But this brings us face to face with the difficulty which is inherent in all private property. To secure a man in the possession of any goods is to give him an incentive to energy and forethought, but it is also to limit the field in which the care and forethought of others can be expended: where appropriation does not

¹ J. S. Mill, *Political Economy*, IV. 2, § 5. The unearned increment from land can however only appear when rents are largely affected if not determined solely by competition: for this important change see below, p. 270.

² Lappenberg, *op. cit.* I. 251. Evidence of the survival of the *princeps* and *comites* in Wessex occurs in the *English Chronicle* 755-

serve as an incentive to industry and forethought it is rightly stigmatised as a dangerous monopoly¹. In the time of Bede the land which served to support the defenders of the realm was being thus monopolised; we find an abuse of appropriation, where men, who are leading purposeless lives, are protected in the sole enjoyment of possessions of which other members of the nation would make a rational use.

§ 16. Such was the introduction of private property in English folkland²: possibly before, and possibly along with this novelty, private property in arable land was introduced among the freemen as well. The steps in this process have been already indicated³: intensive culture, the admitted right to the benefit of unexhausted improvements, and unwillingness to redistribute the arable land, till at length the right of the community to

Private Property in arable land of marks, and in bocland contrasted.

¹ On the evils of monopolies in industry and commerce, see below, p. 316.

² It is not a little curious to notice that this, the chief though not the only economic influence of monasteries in England, did not occur from the planting of monasteries in Scotland. The Columban monasteries were endowed with land which was not alienated from the family which granted it, and the abbot was always selected from among the blood relations of the founder: the one who was highest in the monastic community was to succeed. It frequently happened however that a lay brother succeeded, or even a member of the clan, who had made no monastic profession at all: and thus the lands of the monasteries became secularised. The fundamental difference, which underlay all the questions between the upholders of the Scottish and Catholic usages at Whitby, was due to the fact that the one Church was organized on this tribal model, and the other on the territorial system which had come into vogue in the rest of Christendom. The subsequent history of the tribal Church in Scotland and Ireland proves the superiority of the latter system. Skene, *Celtic Scotland*, II. 68, 270, 365. Todd's *S. Patrick*, p. 158.

³ See above, p. 28.

make such a re-allotment fell into disuse altogether. But such appropriation of land, which had won the approval of the markmen as a matter of common convenience, is obviously of a very different type from that which originated in reckless grants of folkland, and which Bede condemned as a national blunder.

*Colonies on
the waste,*

thorp,

*terra por-
prisa,*

From the time of the English settlement onwards another change was taking place: not so much in the direction of improving the cultivation, as of bringing a greater area under cultivation. Colonies were sent out to some distant part of the mark, and a new village started, which generally maintained some sort of connexion with, and therefore of subordination to, the mother village¹. The filial origin of many villages can be traced in their names—the common termination *thorp* implies that the place so called was an offshoot of some older village. But a still more important alteration was due to the practice of permitting a man who, with the consent of the markmoots or king, brought into cultivation a new portion of the waste, to retain it in private possession, and to withdraw this area of *terra porprisa* from being subject to the common rights of the other freemen. Those who were able to procure the necessary permission and carry out the scheme, thus obtained a piece of land which was entirely free from communal control.

All these new conditions favoured the growth of greater inequalities of wealth and status within the social group: from the earliest times there had undoubtedly been a class of inhabitants of a lower grade than the markmen in the village community. For children and slaves, or for any strangers, some freeman had to be

¹ For an analogous condition in Russia compare the Cobden Club, *Systems of Land Tenure*, pp. 353—397.

responsible; and therefore exercised a control over them: and the chances and changes of life forced some of the freemen from time to time to sink into the condition of *slaves*. slaves—either from their poverty¹, or as a consequence of their crimes. But since a class of workers thus existed *Increasing inequalities of wealth.* it was possible for the wealthy freeman to get the labour carried on by others on his behalf; indeed it was just this that rendered him free, for he had no occasion to render personal services. Where one or two members of the community so increased in wealth that they bought out the others, there was no reason to retain the old mark constitution at all, as there was no occasion for it to exercise its old function of directing the common industry, and the mark split up into a number of groups, where each freeman directed and organized the labour of his own dependents.

In other cases the old organization was kept up², but *Growth of manorial groups.* its power was overshadowed by that of the most wealthy member, who while possessing a large private portion which had been cut out of the waste, retained an interest in the lands under communal management. What may have been the exact history of any particular group in England it may be impossible to discover; but we can with the help of analogies from other lands assign the general causes which led to the break-up of the mark system, and reorganization of its elements into groups of a new character³. In all agricultural labour there

¹ When William devastated Northumbria, and a terrible famine prevailed, some persons were forced to sell themselves into perpetual slavery. Roger of Hoveden, I. p. 119.

² Only in this case did it come to be a true Manor. Maine, *Vill. Com.* p. 134.

³ The corresponding change in Germany appears to have taken place many centuries later, and the survivals of the mark constitu-

must be some amount of combination and co-operation: in the earliest times this had been arranged for by the markmen themselves in the markmoot: but with the rise of private property and growth of inequalities there came a time when each of the more wealthy freemen preferred to organize the labour of his own dependents, though still maintaining a certain social connexion with his less wealthy neighbours, who, while free from the obligation of rendering him services on his land, were associated with him for judicial and political purposes.

Just as the exact and detailed history of the rise of each of these manorial groups, into which society was eventually reorganized, may have been different, so were there considerable varieties in the composition of various manors. There are four different classes of dependent tenants which may be distinguished: in some manors one class, in some another was more largely represented, and it was not generally the case that all four were present in one manor. Some were *free tenants*, having a

*Depend-
ents of the
Manorial
Lord.*

tion have lingered so long as to give a great mass of material for an exact study of the changes there. G. L. von Maurer has given a compendium of results in his *Einleitung zur Geschichte der Mark &c. Verfassung*. The actual origin of the Manor in England has received comparatively little attention: on the one hand we have the continuity of the markmoot in its modern representative the parish vestry, though of course it does not follow that every vestry is the survival of some markmoot: it also survived as an element—the Customary Court—in the manorial jurisdiction (Maine, *Vill. Com.* pp. 139, 155, Stubbs, *Constitutional History*, I. p. 84). Kemble (*op. cit.* I. 55) appears to hold the view that there was an historical connexion between the headman, as president of the markmoot, and the Lord of the Manor. This is a tempting theory if we regard each mark as having been slowly transmuted into a manor; but it is better to regard the manors as rising from a reorganization of society into a decidedly larger number of new groups, as the mark system was gradually broken up. See above, p. 30.

political, but no industrial connexion with the lord of the manor: some were *boors*, who had helped to colonise the waste, and had holdings on it in return for services; some were *cotters* who had smaller holdings: these last are sometimes included in the general term *villains*, but this more properly applies to the class who were next below the free tenants, and owed the smallest amount of industrial service¹. Lowest of all were the slaves, or *serfs*, who generally had no holdings at all.

So far we have traced the growth of private property, first in chattels, and then in cattle, till at last we find it recognized in regard to land as well: it was through the disuse of common-rights, and the misuse of public trusts that this most generally arose—unless in the case of *terra porprisa*—but it may be said to have attained its full development when territorial possessions came to form the basis of political ties.

¹ For a full account of the subdivisions of these classes compare Sir Henry Ellis, *Introduction to Domesday*, I. p. 63 fol.

II.

COLLECTIVE INDUSTRY.

17. Tillage—Three-field system. 18. Self-sufficing industry.

*Husbandry
and house-
wifery.*

§ 17. THE preceding sections have shown us the formation of various groups of cultivators, and the gradual changes which these groups were undergoing in the English tribes, during some centuries before and after their invasion of Britain¹. But however each group was administered, whether it was a monastery where the prior directed all, a community regulated by a headman, a manor where the bailiff was supreme, or whatever it might be, each group was *self-sufficing* and industrially independent of the rest. It could maintain itself in isolation from or in antagonism to neighbouring groups, for each group furnished the chief means of subsistence that were needed by the members. The wants for which provision had to be made and the available resources and means for satisfying these wants were capable of pretty close calculation, and each group formed an economic whole, since the husbandry and housewifery of the village could all be directed by one head². Each

¹ The manorial group had superseded the mark long before the Norman Conquest, for Domesday Book gives us an accurate knowledge of the rural system in the time of the Confessor, and shews us that the manorial system was then in a very advanced state. See below, p. 94.

² Compare Hermann, *Staatswirtschaftliche Untersuchungen*, pp. 10—15.

householder had his own property, chattels, cattle, or whatever else it might be; each had his own rights, and thus the work was carried on with the help of collective—even if not common stock¹—and by means of combined labour.

Whatever was the precise status of the cultivators—as monks or markmen, or *laeti* on the folkland, or as a colony of boors on the waste, or as other manorial tenants,—and however their labour was directed, a similar method of tillage was pursued in all the groups. It was a collective system, and each man was a member of a body of labourers who carried on their work together; for clearing the ground, and for their ploughing and harvesting, some combination was needed. There was an aggregation of stock to provide the eight oxen that were needed for the team² to drag the wooden plough with which the work was done. This system of combined labour was quite practicable in many different social groups and all over the land, and for many centuries the same method of tillage was adopted. It has been already alluded to³ as an intensive system by which the same fields are cultivated over and over again; not as in the extensive system where a field is taken in, exhausted, and then abandoned for another.

The threefield method⁴ is one of a simple rotation of crops, &c. crops: a field is sown with wheat or rye in autumn, but

¹ Except in the case of monasteries, where all the stock was common property, or rather where none of it was private. In other groups common rights of more or less import survived.

² This was the usual team at the time of the Domesday Survey, but it varied: in Aberdeenshire twelve went to a team till new ploughs came into use. *Northern Rural Life*, p. 33.

³ See above, p. 29.

⁴ A two-field method or alternation of wheat and fallow was also in common use. *Fleta*, II. c. 72, § 5.

the slow processes of primitive farming are not over in time for autumn sowing in the next year; so that the succeeding crop, of oats or barley, must be sown in the spring, while the third year the field lies fallow. All the arable land near an English village was divided into three fields each of which was thus treated in turn, so that every year one had wheat or rye, one oats or barley, while one was fallow. In order that each household might have its fair share of the annual produce, it was necessary to allot to each a strip in each of the three fields; so that the land which each man claimed was scattered and intermixed with the plots of his neighbours.

ploughing. The land was generally ploughed three times in the course of the three years: the fallow was ploughed twice, once in June and once in September, just before the autumn sowing: after the wheat harvest it stood in stubble through the winter and was ploughed again just before the spring crop was sown: after the barley harvest the cattle were allowed to range over the land, a common right which has lingered on Lammas lands¹.

Survivals. Numerous survivals of this state of things can still be noted: the great turf balks which divided the fields from one another are still observable from the railway between Hitchin and Cambridge: within the present century the whole country between Royston and Newmarket is said to have been unenclosed, while a few isolated parishes, of which Laxton in Nottinghamshire, is an example, are, or lately were, in this condition. In many parts of the continent there is not only evidence that common tillage has existed, but it actually holds its own.

¹ G. Hanssen in *Zeitschrift f. d. allg. Staatswissen* (Tübingen, 1865), p. 92, gives a full account of this system of tillage.

• § 18. Such was the tillage in the communities of English settlers: if however we wish to get a fuller account of their industry¹, and of the ways in which the other needs of the community were satisfied, we shall find it best portrayed in the stories of monastic life. We do not learn so much from reading of the life in monasteries in England, for these institutions were, as we have seen, generally endowed with lands, and subsisted on the profits of cultivation which was partially carried on by others; rather must we depend on the stories of life in the Scottish and British monasteries, which were the model villages of the time. In the island settlements where they were partly protected from the ravages of their neighbours, these monks set themselves to lead a life of godly industry, and to commend their religion as much by the life they led as by the preachers they sent forth. We read in Bede how the monks of Bangor² all lived by the labour of their hands and of disputes that arose from the sharing in labour³. The legends of many saints throw instructive light on these matters, but it is in the *Life of S. Columba* by his successor Adamnan⁴ that we get the completest picture of such a monastery, and of the various arrangements it contained: its granaries and mill, its oven and all the other offices. Even in monastic communities which did not depend for subsistence on the labour of the brethren, many trades were carried on. We hear of Bede's own labours: of another who was an excellent

*Monastic
Industry.*

A.D. 607.

¹ We may also compare the accounts of village life abroad. *Systems of Land Tenure*, p. 370.

² *H. E.* II. c. 2.

³ *H. E.* IV. c. 4.

⁴ Reeve's Edition, notes, pp. 334—369.

A.D. 679.

Self-sufficiency of the villages, &c.

Trade.

carpenter, though but an indifferent monk¹, of nuns at Coldingham who busied themselves with weaving². We cannot attempt to gauge the exact advance which had been made in any of these arts³, but we are justified in regarding each of these monasteries, and to some extent each of the villages, as a self-sufficing community where all the necessities of life were provided in due proportion without going beyond the limits of the village itself. The self-sufficiency of the nomadic community was remarked upon above⁴, and now we may call attention to the same feature as characteristic of these early villages, and as distinguishing them sharply from the most backward hamlet in the present day: their food came from their fields, and their herds: the flocks supplied the necessary clothing; from the waste land they got fuel, and there the swine lived on the acorns and mast⁵: honey held the place of sugar as a luxury. Salt was the one requisite which could not be produced in many of the inland villages by the efforts of the inhabitants themselves, and which would therefore be a very profitable industry in those places where it was possible to obtain it. This was the one article the desire of which would tend to bring about the existence of trade from the very first.

¹ *H. E.* v. c. 14.² *H. E.* iv. c. 25.³ In the tenth century Englishwomen had attained great excellence in art embroidery. The story of the East Saxon alderman who fought the Danes at Malden was embroidered on a curtain by his widow, the lady of Ditton, and presented to the minster at Ely, where his body lay. *Liber Eliensis*, p. l. ii. c. 7. Freeman, *Norman Conquest*, I. p. 274.⁴ See above, p. 21.⁵ The plentiful supplies which a waste might furnish can be gathered from the panegyric on Ely at the time of Hereward's defence, *Liber Eliensis*, p. 229.

• In carrying on some of the industrial pursuits mentioned above there might of course be combination of labour, either voluntarily undertaken for a short time, or taking a permanent shape like a sort of joint-stock craft gild. Such *artels* exist in Russia¹, and there might have been some corresponding type in the English villages—even though there is no evidence of its actual existence; most probably however they hardly existed here, as the groups seem to have been too much alike, and the means of communication too slight, to give scope for labour exactly like that of the Russian village workmen, who frequent towns for the winter, or at least regard them as their market. In so far as the labour in a village depended on outside employment or an outside market, it ceased to be a self-sufficing economic whole: and to German villagers² this seemed so much of an evil that they set themselves against the trading that led to this result. Protection.

¹ Wallace, *Russia*, p. 87.

² Von Maurer, *Markverfassung*, p. 179. We find traces of a complete protective system on the part of these *self-sufficing communities*, closely analogous to the protective system adopted later with the view of keeping England a *self-sufficing country*. See below, p. 405. The sale of rare products to other villages was strictly forbidden by these marks, and of many chattels only allowed after the markmen had had the refusal of them.

III.

BARTER AND FACILITIES FOR EXCHANGE.

19. Conditions and Limits of Exchange. 20. Existence of these conditions in England. 21. Opportunities, centres and regulations of Internal Trade. 22. Barter, Money, and Circulation of Wares. 23. Industrial and Social Effects of Trade. 24. Nature and extent of Foreign Trade.

*Conditions
of ex-
change.*

§ 19. Not till the rights of property are admitted, can there be any possibility of exchange; in all early societies opportunities for it only occur very occasionally. In any one tribe the chattels of one man are not markedly unlike the chattels of another; there is little likelihood of exchange within the limits of the tribe, and so far as neighbours go, there is more temptation to steal from them than to trade with them. As the respect for property extends or can be enforced, and when new articles are brought within the reach of any community, barter naturally springs up. But it is only on the occurrence of visits from strangers, or other unusual occasions, that the most necessary conditions for the exchange of goods are found in such primitive communities.

Barter.

Exchange in its earliest forms will always be barter, the exchange of one object of use for another object of use, but even in this simplest form there are distinctions which are worth noting. The man who is most anxious to conclude a bargain will always gain less advantage from it than the other: the savage, who covets a sailor's

*The least
anxious
bargainer.*

jack-knife, and feels that anything he has would be worth sacrificing for the sake of possessing it, will be willing to give a tusk of ivory or anything else the sailor fancies: the savage gratifies his pressing need, but the sailor has got an article which would usually give him much more trouble to procure than another knife would. The man who is least anxious about the matter drives the best bargain: we may call him the, even in a case of barter, *seller*, and the man who has set his heart on a particular article, the *buyer*.

Again we may see the *limits* within which the exchange can take place: the jack-knife has a certain usefulness to the sailor, he would not part with it except for an amount of ivory which would at least enable him to buy another: while the savage sees no prospect of securing another if he lets this opportunity slip, and its usefulness to him is immense¹. If we regard the ivory as a medium of exchange, we may say that the buyer will not offer more ivory than represents the usefulness-of-the-knife-to-him, and the seller will not take less than represents the usefulness-of-the-knife-to-him. In technical language, *value in use* to the buyer and *value in use* to the seller give the extreme limits within which the price in ivory can fall. *Limits of Exchange.*

The consideration of the limits of exchange enables us to understand the nature of the gains that are made by traders. The trader has a supply of knives or other articles which the savages are anxious to use, and he gets from them articles which he does not himself want to use, but only to exchange again²; his own anxiety is at a minimum *Gains of tradesmen.*

¹ So too, when there is no medium of exchange, there will be similar limits in regard to parting with and offering for the tusk.

² This distinction is very clearly stated by Aristotle: ἐκάστου γὰρ κτήματος διττὴ ἡ χρῆσις ἐστίν, * * ἀλλ' ἡ μὲν οἰκέτα ἡ δ' οὐκ

and thus he can, in the absence of competition, drive up the price to almost the point of value-in-use to the buyer. He may be able to drive a similarly good bargain in disposing of the commodities received in exchange, to others who mean to use them. This is the secret of the enormous profits made by the merchants in eastern caravans, amounting to 200 or 300 per cent.: they do business on a system of tedious bargaining in which they reap a benefit through the difference between the importance of an article to one who wants to use it, and its importance to one who regards it as a mere article of commerce.

*Conditions
for trade in
England.*

Keeping in view these distinctions in regard to barter, we may go on to consider the evidence of its existence and development in England.

*Need of
salt,*

- § 20. It has been already remarked that the communities which raised a collective livelihood, were almost entirely self-sufficing: but there are few places where men can continue to subsist in entire isolation. Even the
- Arab, who with his flocks and date palms¹ is largely provided for, still depends on the caravans for salt, and many of the English villages must have been similarly supplied. Till root crops were introduced it was difficult, from lack of fodder, to keep any large quantity of cattle all through the winter; and accordingly the meat for winter use was prepared and salted down in the autumn. Unless the first English settlers were more strict vegetarians or better acquainted with the management of meadow-land than we can at all suppose, they must have practised this

οἰκεῖα τοῦ πράγματος, οἷον ὑποδήματος ἢ τε ὑπόδεσις καὶ ἡ μεταβλητικὴ ἀμφοτέραι γὰρ ὑποδήματος χρήσεις· καὶ γὰρ ὁ ἀλλαττόμενος τῷ δεομένῳ ὑποδήματος ἀντὶ νομίσματος ἢ τροφῆς χρῆται τῷ ὑποδήματι ἢ ὑπόδημα, ἀλλ' οὐ τὴν οἰκεῖαν χρῆσιν· οὐ γὰρ ἀλλαγῆς ἐνεκεν γέγονεν.

Politics, I. c. 9, §§ 2, 3. See below, p. 245.

¹ Herzfeld, *Handelsgeschichte der Juden*, pp. 4, 13.

system of salting down meat in autumn: and salt must have been a specially necessary article for their use.

Besides this there were other ways in which the natural differences between localities must have made themselves felt: metals could not be everywhere obtained *metals*.—for the point of the wooden ploughshare, and for arms if for nothing else: some wastes must have been more favourable for sheep and others for swine: some land for corn and some for meadow: all such natural differences would render internal trade immensely advantageous¹.

It is impossible to guess at what time the social conditions, which can alone render trade possible, became general. As long as each mark was hostile to every other, defended not by any respect for the property of others, but by the wide extent of its own waste from the predatory incursions of neighbours, regular trade would seem to be impossible. Even then, however, the advantages of trade were so clearly felt that the boundary place between two or more marks came to be recognised as a neutral territory where men might occasionally meet, if not on friendly terms, at least without hostility, for their mutual benefit. The boundary stone was the original of the marketcross, the vacant area of the market-place², in which travelling merchants exposed their wares. It is thus that a good deal of regular trade may go on even in a country which is disturbed by constant feuds, and where every hamlet is liable to be plundered by the men from other villages. There is no reason for

Boundary stones.

Merchants.

¹ Compare Aristotle's account of early bartering as distinguished from trading for the sake of profit: ἡ μὲν οὖν τοιαύτη μεταβλητική οὐτε παρὰ φύσιν οὐτε χρηματιστικῆς ἐστὶν εἶδος οὐδὲν ἐλὶ ἀναπλήρωσιν γὰρ τῆς κατὰ φύσιν αὐταρκείας ἦν. *Politics*, I. c. 9, § 6.

² Maine, *Village Comm.*, 192. Compare also Sir John Lubbock's *Origin of Civilisation*, p. 205, on the various functions which boundary stones have served.

supposing that there may not have been a certain amount of internal trade from the earliest days of the English settlement. We may perhaps add that the market and its customs may have been instituted among the tribes before their immigration, and imported rather than developed here.

Christianity and Trade.
A. D. 600.

The conversion of the English and the foundation of monasteries gave a considerable impetus to trade: the sanctity of the site of many monasteries gave a certain measure of security, while the requirements of divine service introduced new needs, which could be best satisfied by articles brought from abroad. The number of altar-vessels, vestments, books and ornaments required might not be very great, and many of them were donations, not articles of trade: but their introduction implied intercourse with other lands and an acquaintance with foreign arts which afterwards flourished here: the use of glass is a case in point¹.

A. D. 670.

On the whole it seems that from very early times there must have been regular trade; not indeed carried on from day to day, but still, in regular places at particular times; no longer like the occasional visit of a ship to a savage island, but at more or less frequent intervals which could be anticipated, and for which preparation might be made. And this introduces a most important step in advance: when men engage in labour, not for the sake of satisfying their own wants by the things they produce, but with a view to exchange, their labour results not only in *chattels* for their own use, but *wares* for the market as well. And there is a farther change to be noted; while there is no opportunity for exchange, it is never worth while for anyone to preserve a surplus:

Wares.

a very abundant harvest will be prodigally used within the year, and so with all other supplies; but the existence of opportunities for trade makes it worth while to stow in *warehouses* for sale¹, all that need not be used by the producers to satisfy their immediate wants. *Warehouses.*

§ 21. The conditions under which trade can commence,—a certain measure of security and a decided need for commodities which could be supplied from other localities,—were present in England: we may proceed to the consideration of the manner in which this trade was at first carried on: there were various nuclei² round which it centred. *Centres of trade.*

From very early times men have gathered to celebrate the memory of some hero by funeral games, and this has given the occasion for meeting and for trading, so that fairs were held annually at *places of burial*: to these the men of surrounding districts flocked, as they gave the best opportunities for making a satisfactory exchange. When Christianity was introduced, and monasteries sprang up at the grave of each early martyr, the commemoration of the saint became the occasion of a similar assemblage³; and thus religious gatherings served as great opportunities for trade. Shrines, which attained a great celebrity, and were constantly frequented, were spots where trade could be carried on all the year round. Thus the origin of Glasgow may be traced from the burial-place of S. Ninian⁴. It is to be noted too that a stream of pilgrims, even if they journeyed with no other than religious aims, opened up a route that could be *Funeral gatherings.* A.D. 570.

¹ Hermann, *Staatswirthschaftliche Untersuchungen*, p. 25.

² Compare Schäffle, *op. cit.*, III. 152.

³ Village feasts not infrequently fall on the day of the dedication of the Church, and shew the universality of the tendency here noted.

⁴ W. F. Skene, *Celtic Scotland*, II. 184.

used for other purposes: the regular establishment in the 12th century of a ferry across the Forth was due to Queen Margaret's desire to provide for the transit of the pilgrims who flocked to S. Andrews¹.

A mark.

In some places a single *mark* has grown into a town, and such names as Birmingham indicate this origin; something of the old administration still survives in the town of Lauder in Berwickshire to which Sir Henry Maine calls attention; and there may doubtless be numerous other cases, even though the original constitution is not so clearly preserved as it is in the system for the management of the land of that town.

*Coalescence
of marks.*

In other cases the origin of a town can be traced to the *coalescence of several marks*: this has, as indicated above, been so frequently the case that it seems to be the normal mode of development. Many of our towns have grown thus², and it is not impossible that any of them where several parishes abut on the market-place may have had this origin, as the parish is the nearest modern representative of the mark³.

¹ Skene, *op. cit.*, II. 351. For the connexion between pilgrimages and village trade in Russia see *Systems of Land Tenure*, 370.

² At whatever time the part of Cambridge on the south side of the Cam had its origin, we may say that it was due to a coalescence of marks, of which traces are left in the many commons that lie within its boundaries: the north part of the town is of course Roman in origin; for its exact position see Prof. Babington (*Roman Cambridgeshire*). For notices during early English times see Bede (*H. E.* IV. c. 19), the *Chronicle* (under 931), Henry of Huntingdon (v. c. 25). For the Cambridge of the time of William the Conqueror see Freeman's *Norman Conquest*, IV. The two following centuries witnessed the most extraordinary growth of the town; the establishment of a large Jewry, and the building of several parish churches, chapels and hospitals.

³ The negative inference may certainly be drawn that towns

* In some cases *forts* served as the nucleus round which *Foris*. trade centred: a very large number of the Midland towns date from the time when the Danes took up strong positions from which to plunder the country, or when Edward and Æthelfleda built fortresses to keep them in check¹. A.D. 913. Such are Bridgnorth, Hertford, Tamworth, Stafford and Warwick, though some of them may of course have been places of importance even before that time.

Lastly, the English would inherit the remains of *Roman* Roman cities and commerce, whatever these may have *survivals*. been. It has already been said that London and York lived through the storm; their ground-plan seems to shew that Chester and Leicester have a continuous existence from Roman times. The Roman roads would long supply the best means of intercommunication, so that newly arising trade would often follow the ancient tracks.

But when we have thus enumerated the different spots which commerce favoured, there is still much that must remain wholly unexplained. The growth of a town on any of these spots was undoubtedly due to natural *Physical* advantages of site and position: but it cannot be too often *conditions*. repeated that natural advantages are relative to the condition of human beings: what served as a good natural harbour two hundred years ago, would be useless now: and so with all other means of communication. It is hard enough for us to try and realise the condition of any English town in, say the ninth century, and quite impossible for us to gauge the natural advantages² of one

like Leeds, Bradford, Liverpool, which lie almost entirely within one parish, have not originated thus.

¹ Kemble, *op. cit.*, II. 321.

² Compare however the remarks made by Professor Innes in his introduction to the *Burgh Laws*, p. xlv.

spot over another, for the conduct of a commerce which we understand so dimly.

Traders. Of those who frequented the markets this only need be said, that though there was a well-defined trading class¹, yet for articles of home production, trade probably centred at spots where those who produced the different articles could meet one another. Hereward, disguised himself as a potter when he visited William's camp, and was found out because no potter of his appearance was known in the district². With foreign trade, so far as it existed, the case was not the same; but internal trade was carried on by men who brought to market the surplus of their own production.

Transactions. The real difficulty was in the management of the transactions themselves; the disadvantages inherent in barter we shall consider below, but it is very hard to understand how commerce could go smoothly, even though business was necessarily conducted publicly³ before witnesses who could speak to the local customs. There were no generally recognised weights and measures⁴, and

¹ Lappenberg, II. 355: *Laws of Ine*, c. 25, of *Alfred*, c. 34, *Hlothhere and Eadric*, c. 15, in Thorpe, *Ancient Laws*.

² *Liber Eliensis*, 235.

³ *Laws of Edward*, c. I, of *Æthelstan*, 10, 12.

⁴ Some of the measures of length in common use are obviously derived from the human body, such for example are the *foot*, and the *yard*, or arm's length. But these are inconvenient for measuring any considerable area.

The *hide* of which we so commonly hear was said to mean as much land as would support a family: it consequently includes waste, and is not originally a measure of arable land; from the laws of Ine, cc. 64, 65, 66, it seems that $\frac{1}{2}$ or $\frac{2}{3}$ was a fair proportion of arable land on the hide. The size of the hide must obviously have varied according to soil, &c., and did vary extraordinarily in different counties (Eyton, *Key to Domesday*, Dorset, Introduction, p.

stolen a purchased article. Thus it was that each transaction had to be publicly witnessed, and that associations

unit of mass from a unit of area. In the *Assize of Measures* measures of mass are derived from the quantity of wine (*gallon*) that weighs a pound.

There is some difficulty in suggesting a natural unit for measures of weight or of mass : but there is no improbability in the account in the Statute Book (see below, Appendix II.), where measures of weight are derived from the grain, as also is the inch from three barley corns. Two different pounds are traceable, which are further confused by the various arrangements for the reckoning of pounds of silver (§ 21, below, p. 107). One of them was equal to the Tower Pound, containing 240 *denarii*: when applied to silver it gives us the coins current. Thirty pennies were a mark: the *solidus* in Wessex was five, in Mercia four, and after the Conquest twelve pennies. The estimate of wergild and of prices or rents is so generally in terms of shillings that these differences make any calculation of prices difficult. The values of cattle occur in the *Ordinance respecting the Dun Setas*, and the prices closely correspond to those which occur in the *Leges Henrici Primi* when due allowance is made for the difference of the *solidus*, and even with the values of stock in the thirteenth century (*Domesday S. Paul*, p. xliii). Land in Cambridgeshire about the tenth century sold at one shilling an acre, and the stock on it seems to have been valued at more than half the worth of the land in a particular instance (*Liber Eliensis*, 158).

Measures of mass present great difficulties, but it is clear that the same term is used for different quantities (see Appendix II.). It is worth while to remember that such differences still exist: the peck and the bushel are different in Dumfries and in Carlisle markets: measures are apparently founded on some standard, which was adopted as natural in each district.

These differences were certainly not effaced by the great survey of William: that is a record of local customs as remembered by local witnesses; if the payments were estimated in the same terms, it was all the uniformity that was of importance for William's purpose, as he wanted to know the revenue not the exact area of the country. The local differences of land measure lasted for centuries after his time.

for the enforcing of fair dealing, and for giving security to property were necessary. Where the commerce was centred in the lands of an abbey, the bailiff might secure the necessary order; in marks, and in Roman towns or Danish burghs¹, there was already a government for other purposes; but at centres where these were wanting, the necessary regulation was supplied by mutual associations for the maintenance of order², known as *Frithgilds*.

§ 22. A proportion, though certainly not the whole, *Barter.*
of this English trade up to the time of King Alfred was *A.D. 870.*
mere barter: it is easy to see that the use of money is highly advantageous, and that barter must give place to the circulation of wares so soon as society advances. In every bargain one man is more anxious to complete the transaction than the other, and is therefore at a disadvantage; but his disadvantage is much greater when he cannot offer an object of general desire, but has to tempt the seller by proposing to give the chattels he happens to have. Simple barter does not afford facilities for many exchanges which would be advantageous if they could be carried out. I have a coat which I want to exchange for bread; you have bread which you want to

* Considering the difficulty of defining measures which are authorised and in common use (W. S. Jevons, *Principles of Science*, I. 357), there must have been great difficulty in obtaining general recognition for any system.

It may just be added that the variations in the size of the hide are inconsistent with Mr Coote's identification of *hides* with *centurie*, of 200 or 240 jugera. If this link in his argument fails, the whole attempt to derive land laws and social distinctions from Roman civilisation falls to the ground. The prices given in the *Liber Eliensis* are also inconsistent with the variety of *hide* he recognises, p. 264.

¹ Stubbs, *Const. Hist.* I. 93.

² For the regulations of the Frith Gild of London, see *Æthelstan's Laws*, VI. See below, p. 124.

exchange for boots: unless a third party comes on the scene it may be impossible for us to come to terms at all. There may be a similar difficulty in effecting an exchange when the right articles are present, but in quantities that cannot be fairly equalised. All these disadvantages in barter are obvious, but it is worth while to try and notice how far they can be overcome before the general introduction of coinage.

*Functions
of Coinage,*

To discuss this we must consider the various functions which are performed by coins¹. It is in terms of coins that we reckon the value of different articles, one is worth five, another six shillings: a current coin serves as a *unit for the comparison of wares*. Again, coins are universally desired: people are always ready to accept coins, because it is a form of wealth for which they can always find a use: coins are therefore a *medium of exchange*, and as they are very divisible and equable they form a singularly good medium. Again, when payments have to be made at any time in the future—or over a period of years, it is coinage that gives a *standard for deferred payments*; while lastly, the compact form in which a great value is contained makes coins a suitable commodity for *hoarding*.

*how dis-
charged
in early
times*

In early stages of society cattle are universally desired, as also are slaves, and these articles can therefore be used as *media of exchange*²; but it is obvious that as a living animal cannot be divided, slaves or cattle only serve this purpose for large payments. Though they probably had

¹ Walker, *Money*, pp. 1—23.

² Skene, *Celtic Scotland*, II. 59. For the use of slaves compare Haddan and Stubbs, *Councils and Documents*, II. 127, where canons are quoted in which payments are reckoned in *ancillae* and *servi*. See also *Ancient Laws of Ireland* (Record Commission), I. p. xlvi. *Cumhal* (originally a female slave) is constantly used as a measure of value.

no better media in some pre-historic periods the English were acquainted with the use of coinage for smaller payments at the time of the occupation of Britain. We are accustomed to a sharply defined unit represented by a definite piece of metal in terms of which the value of articles can be measured, and can scarcely see what meaning prices would have if no such tangible unit existed. But their circulating media were little used for this purpose, and it is possible to manage fairly well with an ideal unit for money of account: one could compare a book worth five shillings with a stool worth six, even if no shillings were ever coined; this was actually the case, and the *solidus* was a *unit of comparison*, but a merely ideal unit¹. For *deferred payments* it was customary to agree to give a curious variety of commodities²; if one was scarce the other might be abundant, and the arrangement was probably a very fair one. Uncoined precious metals served as well for *hoarding* as coins do, and each of the kings would doubtless aim at the posses-

A.D. 900.

¹ Palgrave, *Rise and Progress*, I. 44. It is worth while to refer to an analogous case: in the village communities which still exist (1863) in the South of Westphalia and carry on a primitive tillage on the extensive system, there is an ideal unit in which land is measured. Achenbach, *Haubergs-Genossenschaften Siegerlandes*, p. 5.

² An example is in the Tichbourne estate, twenty hides of which were granted by Edward the Elder to the bishop of Winchester on this condition, among others, 'that every year at the return of the day there be given twelve sesters of beer, and twelve of sweet Welsh ale, and twenty ambers of clear ale, and two hundred great loaves, and a third of small, and two oxen, one salt the other fresh, and six wethers, and four swine, and four flitches, and twenty cheeses. 'If it happen in Lent, then let the worth of the flesh be obtained in fish unless it be extremely abundant.' Thorpe, *Dip. Aug.* p. 158. We have here in actual use a system of payment which has a curious resemblance to the plan of a multiple legal tender proposed by Prof. Jevons, *Money*, p. 317.

sion of such a treasure. As trade flourished it would become more possible to procure the precious metals: if Thorpe's collection of documents is really representative, it would seem that during the ninth century these metals became much more abundant. Occasional donations of them are mentioned after 811, and regular money payments from tenants appear to date back as far as 900.

*Its general
introduc-
tion.*

We may thus see that all the various functions of money could be performed, if not so well, at least to such an extent as to render the circulation of wares¹ possible before the introduction of coins. That step was an expensive one: it is not every man who is well supplied with ready money, and it is not every community that is so rich as to be able to afford the amount of precious metals which must be provided before there can be a general circulation of coins. When the advantages of coinage were clearly realised, and when the kings saw that taxes could be more easily collected, or that by promoting trade they could increase their own dues, they would doubtless make great efforts to provide a metallic currency. We shall not perhaps be far wrong if we argue that the imposition of the Danegeld implies a pretty general diffusion of the precious metals through the country before that time.

A.D. 991.

*Effect of
trade.*

§ 23. In a preceding section the general character of the industry and tillage in vogue at the first settlement of the English in Britain was considered; but we must return to this subject in order to note the effect which a developing trade had on the life of the small communities. We have found a state of society where trade was possible, rather than absolutely necessary; but so soon

¹ K. Marx, *Das Kapital*, 83—93.

as trade came to be general and regular, the condition of these communities was necessarily affected.

One such effect, the formation of *warehouses* and the production of *wares* for the market, not for consumption on the spot, has been already noticed: and this further implies the *specialisation of industry* in different communities. Each community will expend its spare energies in that direction—be it cattle breeding, corn growing, salt manufacturing, or aught else—in which it can obtain a surplus most easily. Its special natural advantages will be developed, and made the most of, as soon as a market is opened in which other desirable goods can be obtained. Thus the isolation of the various communities was broken down; one was the source whence many were supplied with some article, and it drew in turn on them for the satisfaction of other wants: the villages are no longer isolated but *interdependent*. *Specialisation of industry.*

This specialisation of industry cannot go very far without bringing about changes within each of the communities. So long as the labour of all is consciously engaged in the direct supply of felt wants, the various labourers are parts of a single whole; but when the industry becomes specialised for the sake of supplying a market, two distinct interests begin to appear,—that engaged in the direct supply of wants by labour, and that engaged in the indirect supply of wants at home by producing a surplus which can purchase other wares in the market. The management of the collective resources does not necessarily break down under this severance of interest: in communities already alluded to near Treves the old administration continues to direct both tillage and charcoal burning¹: but when the pursuit of the *Interdependences of villages* *and breaking down of collective administration.*

¹ Achenbach, *op. cit.* p. 11. In so far as these employments can

*Regular
trade and
division of
employ-
ments.*

industry for which a place is best suited implies the withdrawing of certain labourers from other employments, two classes spring up, one labouring for the community and one for the market, and the collective administration becomes strained. The salt manufacturers become dependent on their neighbours for corn, and the corn grower for the cloth which salt purchases: thus instead of a community in which each provides for his own wants, but in combination with the assistance of others, we have a specialisation of industry and a division of employments within each community¹. There can be no set of men entirely devoted to one employment, unless there is a market where they can dispose of the product, and means at hand for procuring sustenance. The growth of trade not only caused the various communities to be interdependent, but generally broke up the collective administration in each, or rather, limited it to the direction of those employments that had direct reference to local wants.

*The Lord
of the
Manor.*

In § 16 the growth of the manorial power was briefly sketched: it is clear that in many places the special natural advantages of the locality had come under the direct control of a manorial lord. So long as he did not trench seriously on the rights of the markmen he could utilise the unoccupied ground in the way he deemed wisest: he could for example either plant a new village or devote the land to sheep-farming. Owing to his carefully defined position it would be difficult for the freeman to apply himself to new industries; it was the lord of the manor who had the means and the labour of

apparently be carried on by the same men at different seasons of the year, there is no real specialisation of industry in this case.

¹ See below, p. 210.

dependents at his disposal so as to supply the markets with the products of the place. The existence of trade would still farther increase the distance between the lord of the manor and the free tenants, if indeed it was not one of the chief elements that severed them.

Thus it was that industrial and social changes necessarily followed the introduction and growth of *regular trade*.—that is the recurrence of definite opportunities for exchange, on which men could count. But these very social and industrial changes were themselves highly beneficial: the localisation of industry meant the development of the special advantages of each village and therefore an immense improvement in the national resources: with a greatly increased industry came the means of procuring the productions of other countries, and this is the most necessary condition for the commencement of a regular foreign trade; only the increase of industry can enable a nation to enjoy an increase of trade. That this took place we shall now see.

§ 24. So far we have limited ourselves almost exclusively to the consideration of internal trade, though the social changes described in the last section would of course follow whether the marketable products of a community were consumed in England or exported. But we have noticed at least one change, which could not have taken place but for the existence of *foreign trade*: only by trading could a sufficient quantity of silver be obtained, for the introduction of a circulating medium.

During Roman times, Britain was a great corn-producing country¹, and this, as well as tin from Cornwall, tin,

¹ Eight hundred large vessels were sent on one occasion to procure corn for the Roman cities in Germany, according to Zosimus, lib. 3, p. 145.

A.D. 1154.

*and in
wool.*

were the chief articles of export: it is possible that the citizens of London were able to keep up a certain amount of trade all through the time of the Roman desertion and English occupation, but when we next get any clear account of the staple articles of English trade, we find that they have entirely changed. It is true that there is a period of many centuries for which we have no direct evidence as to the chief articles of commerce. Henry, the Archdeacon of Huntingdon, wrote in the time of Henry II¹: we cannot take him as an authority for the state of English trade in the ninth century, but we may at least say that it was more likely to resemble the condition he describes than that which is recorded by Roman writers. With the desertion of the Romans, the exportation of corn to the Roman market would cease: while the excellence of a natural product like English wool soon obtained attention. Just as internal trade was possible when the special advantages—on whose cultivation it so quickly reacted—were noticed, so the special advantage of England for the production of wool made a trade between England and the continent inevitable, so soon as the social conditions had become favourable.

*Facilities
for traders.*

The Londoners and other inheritors of Roman civilisation would be ready to re-establish commercial relations with continental towns at the earliest possible date: in other cases the immigrants might keep up communication with related tribes on the mainland. The foreign shipper was recognised and afforded some protection as early as the beginning of the eleventh century²; the

¹ See below, p. 135. For articles of import in London in Æthelred's time, compare the dooms in Thorpe, *Laws*, 300.

² And let every merchant ship have 'frith' that comes within port, though it be a hostile ship, if it be not driven. And though it

English merchant who had made three successful voyages attained to higher civic rank¹. The first regular settlement of foreign merchants on English soil was probably the London Hanse, which dates from at least the time of Æthelred the unready. In all probability German A.D. 1000. merchants must have frequented the port long before this regular arrangement for them².

To form any estimate of the extent of the commerce *Extent and* is of course impossible, it is only by analogy and incidental evidence that we can even gather that a trade existed, and what was the staple article of export. We have similar evidence that the trade was considerable: the costly embroidery and rich treasures which were bestowed on the large churches³ witness to a large trade: it seems quite impossible that native mines could have yielded such quantities of the precious metals. The costly articles in the manufacture of which the English subsequently excelled must have been originally imported. The evidence of accumulating treasure⁴ during the ninth century has been already mentioned, and the documents

be driven and it flee to any 'frith-burh' and the men escape into the 'burh,' then let the men and what they bring with them have • 'frith.' *Laws of Æthelred*, II. 2; Thorpe, *op. cit.* p. 285. See also, but probably for natives and foreigners, *Laws of Ine*, 25; p. 119.

¹ And if a merchant thrived, so that he fared thrice over the sea by his own means, then was he thenceforth of thaneright worthy. Ranks, 6. in Thorpe, *op. cit.* p. 193.

² Lappenberg, *England under Saxon Kings*, II. 365; also *Urkundliche Geschichte der deutschen Hanse*, p. 2.

³ For instance, at Ely, *Liber Eliensis*, pp. 108, 114, 160, 196, 220, 249, &c. Such treasures were a rich booty for Danish invaders.

⁴ Thorpe, *Diplomatarium Anglicum, passim*. See especially *Alfred's Will*, p. 489. See also above, p. 76.

of that time give us positive proof of the existence of wealth which must have found its way from abroad.

areas of
trade.

The incidental allusions to commerce which occur in contemporary records give evidence of the very wide area over which communication was carried on; though the chief trade of London was with German, Flemish and Norman towns¹. We read of a slave trade to Ireland from Bristol: Englishmen had been carried to much greater distances, for everyone knows that English slaves were exposed in the Roman market in the last quarter of the sixth century; and though it is doubtful whether this iniquitous traffic with the cities of Italy continued in Christian times, there was much communication for the sake of pilgrimage². We need not therefore be surprised³ even if a ship sailed from Italy to English shores and served for the convoy of S. Benedict Biscop. The same abbot made one of his other journeys by the ordinary means of communication which was undoubtedly the overland route to Marseilles⁴. The foundation of an English college at Rome proves the existence of frequent communication, for purposes of study, in the ninth century: and there can be no doubt that merchants took advantage of the same facilities. Early in the eighth century an English merchant was sojourning at Marseilles⁵: and in the ninth others frequented the fairs at Rouen and S. Denys: protection was secured to the men of Mercia by a letter of Karl the

Italy.

A.D. 750.

A.D. 667.

A.D. 671.

France,

A.D. 796.

¹ *De institutis Lundoniae*, Thorpe, *Laws*, i. 300.

² Haddan and Stubbs, *Councils*, III. 381.

³ Lappenberg, *op. cit.* II. 365. Bede, *Hist. Abb. Wirem.* § 3.

⁴ The course of ordinary commerce followed this line from Roman times till the sixteenth century: see below, p. 122, note.

⁵ Lappenberg, *op. cit.* II. p. 364, and references there.

Great's to Offa': this was our first commercial treaty. Before the time of the Norman conquest there had grown up a considerable trade in furs to Chester and other ports: and an Icelandic law is quoted by Lappenberg² *Iceland.* to shew that English traders so frequently visited that island as to give occasion for a law dealing with the property of those who died there. But by far the greatest expedition of these centuries must have been that undertaken by Sigelm bishop of Sherborne who 'prosperously penetrated' to India with King Alfred's gifts to the shrine *India.* of S. Thomas, and brought back many brilliant gems on his return³; and also carried with him a portion of the true Cross from Rome.

These various incidental notices taken along with the *Nature of* indirect evidence seem to prove the existence of a very *industry and*

¹ De peregrinis vero, qui pro amore Dei, et salute animarum suarum beatorum limina Apostolorum adire desiderant, sicut olim perdonavimus, cum pace sine omni perturbatione vadant, suo itinèri secum necessaria portantes. Sed probavimus quosdam fraudulentè negotiandi causa se intermiscere; lucra sectantes non religioni servientes. Si tales inter eos inveniantur locis opportunis statuta solvant telonea; caeteri absoluti vadant in pace. De negotiatoribus quoque scripsisti nobis, quos volumus ex mandato nostro ut protectionem et patrocinium habeant in regno nostro legitime, *juxta antiquam consuetudinem negotiandi.* Et si in aliquo loco injusta affligantur oppressione, reclamant se ad nos, vel nostros judices, et plenam jubebimus justitiam fieri. Similiter et nostri, si aliquid sub vestra potestate injusti patiantur, reclamant se ad vestrae aequitatis judicium, ne aliqua inter nostros alicubi oboriri possit perturbatio. Haddan and Stubbs, *Councils*, III. 496.

² *Op. cit.* II. 365.

³ William of Malmesbury, *Gesta Pontificum*; II. 80. Some doubt has been cast on the truth of this story by the fact that it is not mentioned in the life of Alfred by Asser, who does not speak of direct communication with any more distant potentate than the Patriarch of Jerusalem. See his *Annals in Church Historians of England*, II. p. 472.

- considerable and extended trade. On the other hand there is little or no evidence that much had been done in the introduction of manufactures, though Alfred had set himself to cultivate the useful arts¹. The mass of the people were engaged in agriculture; wool and other agricultural produce were the staple articles of produce; in the monasteries artistic production both in metal working and embroidery² was probably carried on with great success, and the coins of the early English kings are so well executed as to shew some proficiency in the art.
- A.D. 878.
- A.D. 1087. The list of craftsmen in Domesday shows that many simple arts were practised³; but we can gather the negative inference from the same record that no industry was conducted on any large scale. Even in the towns agriculture and trading were probably the chief avocations of the inhabitants. In particular, the mineral wealth of the country which had been the chief attraction to the Phoenicians, and a matter of much importance to the Romans, was almost entirely neglected.

*trade before
the con-
quest.*

If, however, we try to picture to ourselves the state of industry in our island at any time before the Norman conquest, we must think of it as carried on in a large number of different groups, each one of which was practically independent of the rest. Trade, both internal and foreign, was undoubtedly developing and bringing about a certain amount of specialisation, while breaking up the solidarity of each little group: still it was chiefly, at all events, a trade in the superfluities of each; for the main requisites of life and the ordinary useful arts, each little community could make provision by applying its own resources to satisfying its own wants.

¹ Pauli, *Life of Alfred*, p. 193.

² *Liber Eliensis*, p. 34.

³ Ellis, *Introduction to Domesday*, I. 92.

II.

THE MANORS AND THE TOWNS.

I.

FEUDALISM.

25. Commendation: character of contract. 26. Progress of feudalisation. 27. Domesday Survey. 28. The Exchequer. 29. Coinage. 30. The feudal tie in the Norman reign. 31. Moral Sentiments.

§ 25. In the preceding pages allusion has been made *Royal Power among* to the growth of royal power, and the chief sources of royal revenue—folkland, jurisdiction and trade dues¹—

¹ A good account of these tolls is found in the Doms of London (*Laws of Æthelred*, iv. § 2). Tolls were demanded at inland towns as well as at seaports. 'Wainshilling' and 'load penny' at Worcester (899) are described as dues that always go to the king and cannot therefore be remitted or assigned by an alderman. (Thorpe, *Dip. Aug.* 138.) But these were sometimes granted by the king, as e.g. Edgar granted (978) the market dues at Taunton to the See of Winchester (Thorpe, *op. cit.* 235); or as Cnut did to Canterbury (1013): 'And I give to the same monastery for the subsistence of the same monks, the haven of Sandwich, and all the landings and dues of both sides of the stream, let own the land whoever owns it, from Peppeness to Marfleet; so that when it is full flood, and the ship is afloat, as far as a taper axe can be cast from the ship upon the land, let the ministers of Christchurch receive the dues...And theirs shall be the ship, and the ferry over the haven, and the toll of all ships...and all that which is found on this side of the middle sea,

have been mentioned¹; but in the centuries of settled life that elapsed between the occupation by the English, and the tenth century, their political institutions underwent a complete change. For our purpose it is sufficient to note the character of the change, rather than to try and trace the precise steps.

a nomadic
and

A nomadic or half-settled people are bound together by ties of common descent, and of personal loyalty to their kings and leaders: the tribe can move *en masse* and preserve all its customs and institutions. But when once they are thoroughly settled there is a new bond among them as inhabitants of the same land; and the new character which the tribe thus assumes gives a new position to each individual, and places him in new relations to his fellows. Had the country been occupied by colonists from a highly civilised land they would have been able to define the position of all the inhabitants and to establish the necessary tribunals on the model of those in their own country, as was done by the Romans: but the English had to adapt the institutions of half nomadic tribes, so as to suit the needs of an agricultural people.

an occu-
pant
people.

The king was no longer merely the leader in war and the embodiment of the tribal traditions; he was the representative of an occupant nation, and as such a supreme occupier. To say that he was the chief landlord is to introduce the ideas of later days; he was the chief officer of a nation occupying a portion of this island, and as such, supreme over all matters connected with the

and brought to Sandwich, be it a garment, be it a net, or a weapon, or iron, gold or silver, the half part shall be for the monks and the other part shall remain for him who finds it. (Thorpe, *op. cit.* 317.) On tolls at later periods, see pp. 105 and 154.

¹ See above, p. 46.

land which could not shew the reason for being exempted from his direct control. The persons of the freemen were still free; their jurisdiction in the *gau* remained; their land in the marks with all the markman's rights over the waste and the rivers were untouched. But over roads, over such markets as were really at boundary points, over the folkland which lay scattered everywhere, the king's jurisdiction was undisputed: as official trustee for the nation his influence made itself everywhere felt. With the formation of shires the judicial influence of the sheriff, a king's officer, became greater; and it must always be remembered that when crimes of almost all sorts were punished by fines, increased jurisdiction meant increased opportunities of securing revenue.

The necessity of witnesses and regulation for purposes of trading in chattels has been pointed out; but there was sometimes no little difficulty in proving the right to any piece of land, or justifying the terms on which it was claimed. The weak and the smaller proprietors had no means of resisting the encroachments of their unscrupulous neighbours, unless they could secure the countenance and protection of a powerful man. This was done by *commendation*: they made over their land to some powerful thegn, to receive it again from him as his tenant. The terms on each side were carefully defined; the lord could count on assistance of a certain kind, in money, in armed men, in supplies; while the tenant was sure of such protection from the injuries of others as the lord could afford: it was a *contract*.

Similarly the king would commit some public duty or high position to a man, who served him on definite terms, after paying a considerable sum, and in expectation of profiting by the transaction. Government was no longer a matter of loyal service to be freely rewarded,

*Commenda-
tion.*

*Offices and
fees.*

but it was carried on by officers who held their positions by a *contract*.

Contracts.

This polity was a natural outcome of the economic conditions that have been already described. With the development of trade the various villages were brought into connexion; if not so closely interdependent as to rely on each other for the means of subsistence, it was yet necessary that they should stand in definite relations to one another. And when property was recognised and exchange constantly going on, it was possible, as it would not otherwise have been, to represent all these social relations in the form of contracts. Till private property in land was recognised, commendation, as a permanent social condition, was impossible; till bargaining became an ordinary incident of daily life, and means were adopted for making bargains binding, there could be no willingness to enter into a life-long bargain. When once these conditions were present, feudalism supplied a simple form for defining the political relations of different individuals to one another. So far as each individual among the people had a definite status determined by his contract or contracts with other individuals, in so far did they compose, not a community, nor a tribe, still less a nation, but a feudal system in which each man took his place, not through ties of blood or loyalty, still less through citizenship, but in accordance with contracts.

*Defects of
a feudal
system.*

The mere attempt to pourtray the characteristics of a feudal system brings into light its grave defects—defects which soon called forth antagonistic influences. Indeed the reactions were at work from such an early time that it is probably more correct to say that there was an active feudalising tendency, of which the effects still survive, than to speak of feudalism as a system,—for the system was breaking up before it was completely formed. In

feudal times there was no sufficient public protection, men had to seek protection by private contract; there was no sufficient machinery for guarding the realm or administering justice, this too was done by private contract; for national enthusiasm or public spirit there was no place in a feudal system¹. Such a system was necessarily only a passing stage of social progress: had the national life been permanently confined by its narrow restrictions, no great material achievements could ever have been accomplished. For growth and development imply change; the feudal contracts would have so fettered individuals as to check all energy and enterprise². Except in so far as it gave greater security it is probably true to say that economic progress only occurs as feudalism passes away.

§ 26. The preceding section may have called attention to the inaccuracy of the popular notion that William of Normandy introduced the feudal system into England. A social system cannot be introduced like a new fashion from France, and it had been growing for generations in England before his time. Most important steps had been taken under Cnut. Till his reign we may trace the absorption of authority into the kingly office; from his time onward we may rather notice the leasing out of royal rights to particular individuals, and for particular districts: for one thing he reorganised the national system of defence on a basis of contract.

The very success of the Danish invasions had proved that some reorganisation was sorely needed. When the

¹ G. W. F. Hegel, *Philosophy of History*, 385.

² The deleterious effects of many traditional covenants in farm leases—as to the course to be adopted, &c.—are becoming generally recognised, and are an instance, on a small scale, of the evil noted in the text.

freemen were settled in scattered marks, it was no longer possible to gather the nation in arms as in the time of Caesar, while the distribution of the folkland as bocland prevented the maintenance of an effective force of thegns. All this has been noticed above and sufficiently explains the success of the Danish plunderers. Alfred appears to have fallen back on the local forces, and to have trusted to the self-defence of each shire, rather than to any national army. But when the Danes came in larger force, and settled themselves as a victorious army¹ in forts from which they could ravage the country around, there must have been great difficulty in coping with them. Eventually we see the resistance fail hopelessly under Æthelred, just because it was so purely local. Jealousy of the supremacy of Wessex prevented hearty co-operation on the part of the Mercians under Eadric; many noble struggles took place, but there was no united action, and no sufficient control on the part of the king.

A.D. 878.

A.D. 1007.

¹ The Danish invasion has been contrasted with that of the English and Normans as less of an occupation, and more of a plundering incursion. The number of forts which are associated with them, in the midland counties, shews that their plan of operation was different, but the ultimate object appears to have been settlement. The comparative immunity of Edgar the Peaceful seems to have been due to his granting the Danes lands (see metrical panegyric in *English Chronicle*, A.D. 958). The plundering armies of the time of Alfred appear to have had their wives in England, and left them during a long time in East Anglia, while the army was in the West Midlands. (Henry of Huntingdon, v. § 12.) There was also at least a temporary settlement in Northumbria in the beginning of his reign (*Chron.* 875. Henry of Huntingdon, v. § 7), and a permanent one in East Anglia in 880. Altogether the parallel between the English and Danish invasions was probably pretty close, though the condition of the country invaded was certainly different.

• For this, a remedy was sought in dividing the country into great military districts, and making the earl of each directly responsible to the king, while endowing him with the profits of his district. The levies were raised and commanded by these earls; and in addition, the royal revenues, increased by the dues from trade and widespread jurisdiction, afforded the maintenance of a body of *huscarles*. That this system of defence broke down in 1066 was partly due to the unwonted strain put upon it; the levies had fulfilled their service and went home; the double invasion caused a diversion of the forces when most needed; but the chief defect lay in the fact that the earldoms were so large that the earls were anxious to throw off the yoke of subjection altogether, and did not press on to Harold's aid. We have here great military fiefs. *Earldoms.*

Similarly the revenue and jurisdiction in each county was farmed out by the king to the different sheriffs, and the Danegeld was a money payment which was originally demanded occasionally, and as a consequence of the obligation to direct defensive service—one of the three dues which were never remitted, even to the most favoured tenants. The duties of *hospitium* and *avera*¹, were very heavy when the king visited a shire, and in many cases a payment was exacted in lieu of the entertainment if he did not travel that way in any year: they had probably sprung out of the acceptance of royal jurisdiction. For tolls the sheriffs had also to account. Favoured tenants were exempted from *hospitium*, and had rights of *toll* and *team*² as well as rights of *sac* and *Administration.*

¹ Entertainment and means of transport.

² The right of taking tolls, implying exemption from paying them, and of settling civil disputes among the villains.

*soc*¹. These favours were sometimes granted as a reward for signal services rendered. All these dues, subject to recognised exemptions, as well as the returns of the royal land, were farmed by the sheriffs: and the adoption of this plan had a natural affinity to feudalism.

William
of Nor-
mandy.

The changes introduced by William of Normandy were not forced upon the country generally, but were introduced whenever the death of the tenant or his participation in any of the rebellions, including resistance to the original invasion, gave occasion for the redistribution of the soil. Such lands were then granted on the condition of military service, while the Danegeld was exacted again, and more frequently than before: the military resources of the country were thus immensely increased; but it was rather true to say that a military direction was given to the existing feudalism than that the Normans introduced the feudal system. A glance at a page of Domesday Book will certainly shew that a very large number of landholders were dispossessed on one pretext or other; all, except ecclesiastical corporations, who continued to hold their lands, did so because they were reinstated in them by the king: but the terms on which land was held were never arbitrarily altered; we thus get important evidence to shew how far the process of feudalisation had gone before the death of the Confessor. By far the larger number of *sochemanni* in Cambridgeshire were bound to render *avera* and *inward*², or to pay a composition; and the relation of Earl Harold to Edward is very parallel to that of Earl Alan to William.

The tenants thus instated entered into a position *Flambard*, which was defined by the legal genius of Flambard as a

¹ *Sac* was jurisdiction in criminal suits, while *soc* was the right of inquisition. See *Laws of Edward the Confessor*, c. 22, p. 451.

² Attendance on the sheriff.

military tenure; it was not explicitly so in William's time, and he even modified the character of English feudalism¹ by taking steps to secure the effective control of the crown over the military resources of the land. He would have no great feudatories like the house of Godwin under Edward, or Edwin and Morcar under Harold; a strict limit was placed on the possessions assigned to the most trusted favourite, and a direct relationship established between each of the numerous smaller tenants and the king himself. The success of this policy can be best seen by comparing the histories of the kings of England and of Scotland or France. The Scottish crown never kept the great families in real subjection; but it was only by unusually persistent combinations, or at times of special weakness, that the barons were able to resist or control an English king.

*Character
of English
feudalism,*

That the feudal system was not imposed from above becomes more clear when we fix our eyes more closely on the evidence of the felt necessity for committing one's life and property to the protection of another; the rapid extension of the king's 'peace,' and of the jurisdiction of his officers, is one sign of this tendency, while in later days people were only too glad to buy a measure of exemption and to treat for the right to manage their own affairs. Not only was regal protection sought after: freemen commended themselves to a lord of the manor while preserving a measure of their freedom, or laymen made over their property to a monastery in order to have the advantage of the exemptions which Church lands enjoyed. This tendency was at work and gave occasion for special legislation in the reign of Edward I.

*as of slow
growth,*

¹ Compare Freeman, *Norman Conquest*, v. pp. 366 foll.

A system which was the natural outcome of such deeply rooted and widely operative tendencies was certainly no foreign importation.

but organised under the Norman Kings.

There can be no doubt however that the social system which had been thus growing, was organised in its most definite form for political purposes under the Norman kings. In all cases of slow and constant changes it is difficult to fix a moment when growth ended and decay began; and if we take the last years of the reign of the first Norman king as specially typical of the feudal system, it is because this period is marked out for us by the taking of the great survey which is our chief source of information in regard to all the conditions of life in England during the eleventh century.

Domesday Book, 1087.

§ 27. Domesday Book has been constantly studied for the sake of the legal evidence it affords, and as a source of evidence in regard to the precise character of the changes in the tenure of land which took place under the first Norman king¹. But the vast mine of information which it contains in regard to the economical condition of the country has been scarcely opened up at all. The state of the towns has indeed received some attention: Sir Henry Ellis devoted a section of his *Introduction*² to the cities and burghs, and their customs: it may suffice to say for the present that in many places the invader had left his mark by the building of fortresses:

¹ Mr Freeman's chapter and appendices in the fifth volume of the *Norman Conquest* are well worth perusal; for the study of the book itself, Sir H. Ellis, *Introduction to the study of Domesday*, and Mr Eyton's *Key to Domesday*, supply valuable help. A useful vocabulary is given by Kelham, *Domesday Book illustrated*. The photo-zincographic reproduction of the MS. is more interesting, and handier than the folio edition.

² *Op. cit.* pp. 190—210.

the inhabitants of towns were not in those days so severed from agricultural interests as now. Cambridge is a case which illustrates both points: the burgesses lent their ploughs to the sheriff, and twenty-seven houses, a large portion of one of the ten wards, were swept away for the building of the castle¹.

So far as rural economy goes, the difficulty is much greater, for the survey is not its own interpreter: it scarcely becomes intelligible till we read it in the light of manorial court rolls of subsequent centuries: but with these it has a very close connexion. This is indeed implied in the very name: the days on which the affairs of each manor were gone into, the accounts made up, the customs of the manor appealed to, and the dues exacted, were *domesday* days. It is more than probable that domesday books existed on many estates, especially on Church lands, in the time of the Confessor²: the great survey of William is simply a summary of the contents of such domesday books where they existed, and of unwritten customs and dues, which were not yet committed to writing in all places, but none the less clearly defined and well understood and remembered on each spot.

The tendencies which brought about the formation of *The Manor as a Farm: its parts:* manors have been already noted³: the general features of this group may be now noted. The land was divided into three distinct parts; first, the lord's domain, second, the holdings of different classes of tenants, and third, the

¹ *Cambridgeshire Domesday*, p. 1.

² W. H. Hale (*Domesday of S. Paul's*, p. xxxii.), while rejecting Ingulf's story of a domesday of King Alfred's, refers to evidence of at least partial returns compiled under the Confessor. Compare the extracts from a MS. of 1300 in the *Gentleman's Magazine*, XXXVII. 370.

³ See above, p. 53.

waste which belonged to the lord, except in so far as many of the tenants had definite rights in regard to it, for he might not use it so as to prejudice these rights. The socmen of the village, who were associated with the lord of the manor in his jurisdiction, were in some cases quite independent, in others they had become attached to the soil and were thus assimilated to the position of the humbler tenants.

the different
classes
of workers:

The necessary work on the domain was done by the various tenants, without actual wages, but the lord of the manor provided their food while they worked for him: the workers may be classified in three divisions according to the amount of labour which they were bound to render. Those who were best off only worked at times of special pressure, e.g. a day or two in harvest, and gave assistance in conveyances. Such were the *geneat* of the *Rectitudines Singularum Personarum*¹ and the *villani* of Domesday book, who correspond to the *libere tenentes* of the court-rolls. Others were bound to work at these times of special stress and also one or two days a week all the year round: these are the *cotsetla* and *gebur* of the *Rectitudines*, the *cotarii* and the *bordarii* of Domesday, and correspond to the *onerarii* of the court-rolls. The lowest class, whose service does not seem to have been so limited and whose holdings were mere gardens in all probability, are not specified as a class in the *Rectitudines*; but individuals like the bee-herd would constitute a group corresponding to the *servi* of Domesday and *nativi* of a later period: on this class the lord relied for the necessary industries such as spinning,

1000.
1087.
1220.

¹ This document, printed in Thorpe's *Ancient Laws and Institutions*, gives the fullest light on the constitution of a manor before commutation for services had commenced: the few payments are for taxation.

weaving, and for household duties¹. The villain would have his whole week to work on his own holding except at special times, the boor would have four days for himself, the serf might have little if any time he could call his own. But the holdings and the domain were cultivated together; the lord almost always supplied part, if not the whole, of the teams for ploughing; the seed was sown by the labourers even for the domain lands. The *ballivus* ^{the super-intendence,} was entrusted with the management of the estate and exaction of the services due from each labourer; the *praepositus*² was a sort of foreman, selected annually by the labourers, and freed for the time from service himself, who was the representative of the labourers' interests from day to day.

¹ As the arts—as distinguished from tillage—had no direct relation to the tenure of land, and none therefore to royal revenue or resources, they are scarcely alluded to in our records. There is more information as to the management of ateliers of the craftsmen and women servants on the manors in France. Compare Levasseur, *Histoire des Classes ouvrières*, I. 115. Among the very full instructions for the management of the royal manors in Karl the Great's capitulary *de Villis*, the following regulation occurs. "Ut unusquisque iudex in suo ministerio bonos habeat artifices, id est fabros, ferrarios, et aurifices vel argentarios, sutores, tornatores, carpentarios, scutarios, piscatores, aucipites, id est aucellatores, saponarios, siceratores, id est qui cervisam vel pomatium, sive piratium, vel aliud quodcumque liquamen ad bibendum aptum fuerit, facere sciant; pistores qui similam ad opus nostrum faciant; retiatores, qui retia facere bene sciant, tam ad venandum quam ad piscandum, sive ad aves capiendum, necnon et reliquos ministeriales, quos ad numerandum longum est." Pertz, *Monumenta Germaniae*, III. p. 184. The whole of the document is well worth perusal.

² The duties of these officers are described fully in *Fleta* II. c. 73, 74: see below, Appendix I. They are frequently mentioned in Domesday; the Seneschall of *Fleta* was a sort of secretary who represented the lord of the manor himself.

and the
Stock.

New
holdings
and

composi-
tion for
labour by
annual
payments.

The duty of the bailiff was more complicated: he had not only to superintend the labour, but to keep a reckoning of the stock, especially of the seed, and to see that the respective portions of the collective stock belonging to the lord and the labourers were not confused. Anything of the lord's that was used on the labourer's holding must be accounted for and if necessary replaced. Such was the general character of the system by which the agricultural produce was raised¹. But it was open to disadvantages: the forced labour was unwilling and inefficient; the seed supplied was not always of the best quality, and it was soon found to answer better if the services were compounded for. A portion of the lord's land was cut off and cultivated by the villain as an additional holding on his own account, while he paid dues for the labour of which the lord was thus deprived: the lord no longer received the produce, but he no longer provided the labourer's food²; he was glad to accept a composition which represented the difference between his outlay and the annual produce, and which freed him from the trouble of exacting so much service. If a villain succeeded in commuting all his services, both regular and occasional, for an annual payment, the bailiff would only have to keep an account of the amount of the lord's stock which was lent him, while the labourer became more entirely his own master, and was better able to enjoy

¹ A very similar system of bailiff farming is actually at work in Tuscany, and the 'fattori' there are popularly accused of abusing their position, though apparently as a class they are trustworthy. Compare S. Sonnino, *La Mezzeria in Toscana*, pp. 183—185. For its existence in Scotland see C. Innes, *Early Scotch History*, p. 190.

² Before the Conquest this came to two loaves a day for each serf, besides morning and noon meals. Kemble, *Saxons*, i. 214.

the fruits of his own labour. The benefit was a double one, and as a consequence the system was generally introduced before the time of our earliest records. The land thus assigned might either be cut out of the waste, so long as no prejudice was done to common rights (*terra essarta*), or cut out of the domain, when it was called *terra assisa*: in any case it was the sign of a well-managed estate to have large portions thus assigned, and yielding an annual value instead of tardy services and varying crops. But this return too was liable to fluctuations: if a villain died without heirs his holding would escheat to the lord: it might not be possible to find a successor who had time and stock enough to work an additional holding: the lord would then be forced to rely on the services for which no composition was made: his annual dues would be less, but he would have a larger produce for the time from the unassigned domain. The annual returns, as estimated in money, of each estate varied according as more or less of the estate was assigned to labourers who had compounded for their services, and variations have no relation either to the gross produce¹ or market price of the estate. These labour dues are spoken of as rents, but they were quite different in character from *rents*, as understood in England in the present day. They were payments made in lieu of work, and they may be described as analogous to *profit*, which economists tell us is the difference between the whole outlay and the produce; but the analogy is not very close, as (1) the lord had not supplied the labourer's entire requirements as wages do, (2) the labourer provided part of the capital, (3) the payments included a share of the taxes due from the land which the labourer

Variations
in the
annual
return,

which were
not rents
in the
modern
sense,

¹ If we neglect the increased diligence which may have been shewn by labourers working on their own account, or may not.

but quit
rents.

held. Indirectly however the labour dues probably came to have some relation to definite quantities of land, as modern rents have. If a labourer paid fourpence to be quit of the obligation to serve two days a week, he could not however afford to be idle, and would wish for as much land as he could cultivate in these two days a week: while the landlord would not assign a portion which yielded a greater profit than fourpence. One might describe such a tenant as living at a *fixed rent*, but the rent was not fixed by a direct reference to the quantity of land held, still less to its productiveness: the labourer paid for freedom to work on his own account, and he had assigned to him such a portion of land as could be worked in the time thus set free: his rent is called a *quit rent* because he is quit of service (*quietus est*).

Domesday
Survey,

how ob-
tained.

But enough has been said of the general character of a manor and of the nature of the annual payments to prepare us for the consideration of the details furnished in the Domesday Book. For the accuracy of these details the method in which they were procured is a sufficient guarantee¹. In each hundred, witnesses were called who gave evidence on oath in regard to all particulars with regard to the land, before justices deputed for the purpose: the statements thus obtained were forwarded to London where they were rearranged and combined into one large report. The statements taken in the various counties differ in the completeness of their reports: for Cambridgeshire we have double returns, the fuller statement including the names of the witnesses in each hundred has survived,—though not entire²—as well as

¹ See first leaf of the *Inquisitio Cantabrigiensis*, for full details as to the enquiry in that shire, or *Domesday*, IV. p. 497.

² *Inquisitio Cantabrigiensis*, edited by N. E. S. A. Hamilton.

the abstract from which many particulars are omitted, and which is arranged according to proprietors, not according to situation.

The village of Milton in Cambridgeshire may be taken as a typical case. Domesday¹ reports, "In Middle-

Some of the lost returns can be supplied from the *Inquisitio Eliensis*, which gives the detailed report of the lands as restored after the survey to the Abbey at Ely. This has also been printed in the folio *Domesday*, Vol. IV.

¹ In Middeltone ten⁴ Radulf^o de Picot . XII . hid⁴ .
Tra . ē VII . car⁴ . In dñio sunt . ii . 7 alia^e . ii . poss⁴ .
ee . Ibi X . uill⁴ cū XII . bord⁴ 7 IX . cot⁴ hñt . III . car⁴ .
Ibi . v . serui . p⁴tū IIII . car⁴ . Pasta ad pecun⁴ . De
maresch . sexcent⁴ 7 L . anguill⁴ . 7 XII . den⁴ . In totis
ualent⁴ ual⁴ . VII . lib⁴ . Q⁴do rece⁴p⁴ ē VIII . lib⁴ . T.R.E⁴
XII . lib⁴ . *Domesday*, I. 202, 3.

In Middeltone tenet Radulfus de Picoto XII hidas. Terra est VII carucis. In dominio sunt duae et aliae duae possunt esse. Ibi x villani cum XII bordariis et IX cotariis habent III carucas. Ibi v servi. Pratum IIII carucis. Pastura ad pecuniam. De marisca DCL anguillae et XII denarii. In totis valentiis valet VII lib. Quando recepit VIII lib. Tempore Regis Edwardi XII lib.

Middeltona q^am tenuit picot^o uicecomes⁴ se
defend⁴ . t . r . e . p . XII . h . 7 m^o pro . VI⁴ h . VII . ē .
ibi ē tra . II^o . ē . in dominio . 7 . II . ē . poss⁴ . fi . 7
III . ē . ho⁴m . X . uillani . 7 . XII . 7 . IX . V . pra . ad .
III . ē . pastura ad pecora uille . De marisca . d . c .
L . anguill⁴ . 7 XII . d . IIII^{or} . animalia . oē . oues⁴ . CC .
7 uiginti . IIII^{or} . 7 . XX . p . VI . runc⁴ . In^o totum

ton Radolf holds twelve hides of Picot; there is land for seven teams. On the domain there are two teams, and there could be two more¹. Ten villains with twelve boors and nine cotters have three teams there. Five serfs are there. There is meadow for four teams and pasture for the cattle. From the marsh 650 eels and twelve pence. The whole is worth seven pounds: when he received it eight pounds; in the time of King Edward twelve pounds." The entry closes with an account of the previous tenants.

Taxation.

First of all we have the area: this gives the basis on which the land was rated for (*se defendit per*) the Danegeld. This was twelve hides. In the case of Milton the hide was 120 acres², so that the area was estimated as about 1440 acres³. The enumeration of the stock available on the estate gives a rough estimate of the extent of arable land, and probably no more accurate estimate could be given without a regular trigonometrical survey, nor would that have given such a fair return if tillage was still partly extensive. There is a statement as to the labour available, and the relative shares of lord and labourers in the

ualet . VII. liḅ . 7 ḡn reč ˚ VIII. t. r. e. XII. liḅ.
Inquisitio Eliensis, p. 114.

¹ *Possunt esse* or *fieri* obviously implies that the land was understocked, but its precise signification is a matter of much difficulty. *Restaurari* is sometimes substituted for the Domesday *fieri* in the *Inquis. Eliensis*, e.g. in Sneillevelle, p. 101. In this as in other cases there would apparently have been difficulty in feeding the teams if they were on the land. A further difficulty arises from the difference in the size of teams. The usual number was eight oxen, in one case four were used as a team (*Inquis. Cantab.* p. 14); but in one of the Manors of S. Paul's there were twenty in each team. Hale, *op. cit.* p. 75.

² *Liber Eliensis*, p. 145.

³ The present parish contains 1378 acres.

stock are noted : of all the labourers the serfs alone have no share in the stock. The fisheries were let for an annual due of twelvepence and 650 eels; and the whole of the annual dues came to seven pounds. Some of the holdings had escheated to the lord of the manor during the last few years, as the dues had declined from £8 to £7; but a great many had fallen in at the time of the Conquest, as the value had declined from £12 to £8¹. The great survey besides being an inquisition as to the title by which the lands were held, supplies a double basis for rating,—by the area at which the land was reckoned for fiscal purposes in the time of Edward and also at the date of the survey (*hidage*), as well as by the arable capabilities which could be reckoned from the number of teams² and the labour at the disposal of the lord (*carucage*). *Hidage.*
Carucage.

¹ There have been various other interpretations of these values, but all are open to some grave objection. The figures given cannot be the market *price* of the land, as they are far too low : the price of land in the 10th century was about £5 a hide, as the prices quoted in the *Liber Eliensis* shew us, so that this estate would have cost about £60. Nor can they be *rent* calculated from the worth of the land, as the value of land in the same place varied so much ; one holding in Histon fell from 80s. to 40s., while a smaller one adjoining rose from 10s. to 20s., in the same twenty years (*Inquisitio Cantab.* p. 40). It is tempting to regard the values as those of the *stock*, but there are cases which shew the value can neither be that of the teams for tillage, nor that of the stock grazing, even if the values were not too low for this last explanation to hold good. That an annual return is meant is also shewn by the use of *reddit* on royal and some other lands instead of *valet*. The force of the two words seems to be that *valet* gives value, in money of account, but the debt may have been discharged in kind, while *reddit* seems to imply the use of coinage, and indeed the form of payment is sometimes specified.

² The *Inquisitio Cantabrigiensis* is decisive in favour of this interpretation rather than *plough lands*. See under Svafam and Choie, pp. 13—15.

Further
details.

We may now take into account the additional details which are preserved in the *Inquisitio Eliensis*, though they had been omitted in the royal abstract as having no bearing on the immediate purpose of the enquiry. It is mentioned that the land which had been rated in Edward's time at twelve hides was now reckoned for fiscal purposes as six¹. Then follow the same details of teams and labour and pasture and marsh, with this addition: "four *animalia otiosa*, two hundred and twenty sheep, twenty-four pigs and six horses." This was most probably the live stock² which the lord had on the waste and in the

¹ Here and in various other entries (Melrede, Wiuelingham, &c.) the rating appears to have been reduced on account of the understocking or reduced income from the manors. That the smaller number of hides does not imply a reduction of actual area may be seen from the case of Empintona (p. 113) which was reckoned as ten hides, t. r. e. and rated as only five, *modo*: but of these hides the Abbot held six and a half and Picot three and a half: the *Liber Eliensis* shews that in Cambridgeshire the hide was by this time an understood measure of area, and obviously the earlier reckoning gives us the area of the manor more accurately than the other.

² That we have information as to the prices of different animals at an earlier time has been mentioned above: the prices about the time of Henry I. and a century later are also known (Thorpe, *Ancient Laws*, i. pp. 139, 235, 357, 582; Hale, p. xliii), and as there is little fluctuation in this long period of time we may take any of them as fairly representing the state of the markets in the first Norman reign. We should then get the value of the stock as follows, leaving out of account the working power of two teams of (eight) oxen which at 30*d.* per ox would come to £2.

2 oxen unemployed	5	0
220 sheep at 5 <i>d.</i>	4	11 8
24 pigs at 8 <i>d.</i>	16	0
6 horses at 10 <i>s.</i>	3	0 0
	£8	12 8

The profit on the flock and the swine might perhaps be set down as fifty per cent. of their value.

woods, but it is only from a few counties that we have information on this point at all, though there are frequently rough calculations as to the amount of stock for which there was meadow or pannage.

One thing is certainly striking as a contrast with modern conditions, and that is the very high income obtained, compared with the small sum paid for the purchase of land. Taking the figures in Edward's time, an estate worth £60 produced £12 in yearly dues, besides the profits of the flock, and the annual return must have sometimes been equal to about half the price of the land; but the mystery disappears when we come to consider the burdens borne by the land, even before the Norman intrusion, and these burdens did not diminish under the régime of the Norman kings. *Price and annual return of land, which was heavily burdened.*

§ 28. We can best observe the changes in the royal revenue introduced in Norman times, if we classify the sources from which it was derived. *Revenue.*

1. Royal possessions. The royal domains continued to yield annual supplies as before. Mr Pearson has calculated that the sum which reached the royal coffers from this source was £20,000 yearly¹. The dues from trade² were gathered as before; but a source of income that seems to have been new, was found in the Jews, who lived as the king's chattels enjoying his protection, but subject to constant exactions from him. There is no evidence of their sojourn in England before the eleventh *Domains.*

¹ *History of England*, Vol. I. p. 385. A difference from Mr Pearson's interpretation of the value is no reason for discarding his results as to the amount paid on the royal estates. This was the original meaning of the 'ferm of the shire,' not that the revenue was farmed out to the sheriff, but that he accounted for the produce of the royal estates. Hale, *op. cit.* p. xxxviii.

² Madox, *Exchequer*, p. 525. See above, p. 85, below, p. 154.

century¹: and during the early Plantagenet reigns they supplied an important source of revenue.

*Juris-
diction.*

2. Nor was any new principle introduced in regard to the fines and other profits of jurisdiction; though the practice of treating a high judicial office as a post for which a relief was paid, which practically amounted to purchasing the place, was an abuse that reached its greatest development under Rufus².

Danegeld.

3. But in the levying of the Danegeld a considerable alteration was made. First imposed in Æthelred's time, Edward had suffered it to drop. William exacted a treble rate in 1084 (6s. instead of 2s. per hide³); and though in the time of the first Norman king these were occasional not annual payments⁴, they were regularly exacted in the time of Stephen⁵; subsequently, under new methods of rating, the name fell into disuse⁶, but the crown continued to receive annual payments as *carucage* and *burgage*.

*Feudal
exactions.*

4. The real alteration was not so much in the nature as in the amount of the exactions. The feudal relation was not perhaps more real, but it certainly was more explicit, and could therefore be taken advantage of for purposes of taxation with greater ease. For each five hides of the large quantity of land held by what had come to be military tenure, the demand might be made of a knight's service for forty days in the year: and this was required not only for defensive purposes, but

¹ Laws of Edward, c. 25 (*Ancient Laws and Institutions*, I. p. 453); cf. also Freeman, *Norman Conquest*, v.

² Madox, *op. cit.* 272—395.

³ Hoveden, I. p. 139.

⁴ *Dialogus*, I. xi.

⁵ Madox, *op. cit.* p. 475.

⁶ Stubbs, *Constitutional History*, I. 582.

for foreign wars as well. Occasional *aids* were also asked for the knighting of a prince, or the marriage of a princess. The heavy burdens of *hospitium*¹ and *avera* fell on all land not specially exempted. In addition to the labour dues and other profits from royal manors and towns on royal demesne, *tallages* were exacted as occasion served, while *carucage* was taken from other lands. By these various exactions, along with *burgage* from the towns, all classes of proprietors came under contribution; though perhaps the royal tenants were best off on the whole, as there was a frequent desire to prove that one's holding was of ancient domain and therefore free from *carucage*, though subject to other dues.

The machinery for collecting the revenue was a department of the king's court: it was carefully organised with an elaborate staff of officers. Easter and Michaelmas were the two terms at which the payments were made and the annual accounts balanced; the *tallies*—an absolutely perfect receipt consisting of a notched stick, of which half was kept by the sheriff and half by the officers of the court—gave evidence as to the amount of the *ferm* of the shire which had been paid in, and therefore shewed how much was owing. Owing to the confusion as to coinage, it was necessary either to test the coins (*per combustionem*,) that were paid by tale, or to exact an additional sum of one-twentieth—as de-albating or blanching money—to cover all risks from this source (*blank*)²; and there were also two different systems of

Method of collection.

¹ The precise meaning of *firma unius noctis*, which is constantly mentioned as the amount due for *hospitium*, is not clear. Archdeacon Hale calculates that as a matter of fact the court consumed £150 in Oxfordshire in three nights. *Domesday of S. Paul*, p. xl.

² Madox's *History of the Exchequer*, p. 187. This work contains an extraordinary mass of information on the whole subject with

reckoning the weight, according as 6*d.* per pound was accepted to turn the scale (*ad scalam*), or according as the coins were actually weighed (*ad pensum*)¹.

Coinage.

§ 29. The coming of the Norman kings is not marked by any radical change in the coinage of the country², except perhaps the general introduction³ of a shilling worth twelve pence. The weight of the penny was still thirty-two good wheat grains, and the standard of fineness was kept up for centuries⁴, viz. eleven ounces two pennyweight of silver fine, and eighteen pennyweight of alloy⁵. The means of coining were very rude, and there is consequently considerable variation in the size and weight of coins as they are now found, even in the best preservation: one die was wedged into a wooden block, the other held in the hand as a puncheon, and the metal stamped by repeated hammering⁶.

The elaborate constitution of the mint was not introduced until the practice of coining was confined to

copious illustrations from original authorities. Of these the most lengthy is the *Dialogus de Scaccario*, written by Richard, Bishop of London, in the time of Henry II. It has also been reprinted by Stubbs, *Select Charters*. Madox pays special attention to the analogies between the administration of the finances in England and Normandy.

¹ The accounts known as the Great Roll of the Pipe exist for the year 31 Henry I. and from 2 Henry II. onwards; for a specimen see Appendix III.

² Charter of Henry I. c. 5. See Stubbs, *Sel. Ch.* p. 100.

³ It is probable that the shilling of twelve pence was not in use in any part of England before the Conquest: if this is so, the purchases made before that time, and recorded in the *Liber Eliensis*, were described by the writer in terms of the coinage which was current at the time he wrote.

⁴ See Diagram in Appendix IV.

⁵ R. Ruding, *Annals of the Coinage*, I. 12.

⁶ Ruding, *op. cit.* I. 67.

London, or almost entirely so. In pre-Norman and Roman times coining was at least occasionally conducted *Moneyers.* at a very large number of towns, some of them places which have never been of marked importance¹. The business was carried on by moneyers whose names generally appear on each coin along with the name of the place where it was minted; but this was by no means a sufficient protection against fraud, as the frequent laws on the subject² and the vigorous measures of Henry I.³ A.D. 1125. sufficiently shew. It was insisted that the coining should take place in frequented places⁴—a precaution which perhaps survived in the public trial of the pyx. The fact seems to be that while there was so little inter-communication between different parts of the country, there was no facility for the general introduction of coinage unless it was minted in all sorts of places. When the court travelled through the land, and the king hoped to receive fines, or the ferm of different shires, great difficulty must have been felt if there was no coin to pay with: it was therefore necessary for the kings to have moneyers in these localities. Others too tried to claim a similar privilege: in the case of the Archbishop of Canterbury⁵ it appears to have been admitted; but it was one of the royal prerogatives which the barons had grasped in Stephen's time, and which were wrested from them by Henry II.⁶

¹ Ruding, *op. cit.* I. 142, 154. Compare a grant to the Abbot of Bury by the Confessor. Thorpe, *Dip. Ang.* p. 415.

² See *Laws of Æthelstan, Edgar, Æthelred, Cnut, &c.*

³ *Chronicle*, 1125.

⁴ *Laws of Æthelstan*, II. 14, of *Æthelred*, III. 16.

⁵ Perhaps this may account for the part taken by Anselm along with the king in punishing the dishonest moneyers. Freeman, *Norman Conquest*, v. 160 refs.

⁶ *Dialogus*, I. c. vii.

*Payment
in kind.*

The Mint.

A.D. 1017.

A.D. 1081.

*Norman
Kingship.*

A.D. 1137.

During the early Norman reigns payment in kind was still kept up at the Exchequer, but during the reign of Henry I. coinage became sufficiently diffused to allow of regular payments in money¹. From this time too the need for minting coins in distant places was no longer felt, the privilege of regulating the coinage was more strictly maintained as one of the prerogatives of the crown, and the central mint was organised with great completeness.

§ 30. Up till the time of Cnut there was a gradual extension of the royal power: in the Norman reigns we see it reaching its greatest vigour: the first William checked the tendency for the great feudatories to become independent of the crown, and made the relationship of each subject to the crown to be clearly felt: the great survey with its constantly repeated *quando receptit* marks the beginning of this definite assertion of royal authority over all conditions of men in the land, and of royal interest in the details of their circumstances. The king is the centre of the whole, and it is by their relationship to him, that the various tenants in chief are connected together: with each, the king has a definite compact—such possessions held in return for such services. Looking back on this feudal system too, it seems impossible to appraise it as good or as bad: when we see what society became at the times, such as Stephen's reign, when the authority of the king was set at nought, and the whole fabric fell to pieces in consequence, we are inclined to pass a judgment² on the tyranny of William different from that which we

¹ The author of the *Dialogus de Scaccario* recollected the produce of the royal estates being paid in corn, beef, mutton and fowls, and the rates at which they were valued. C. VII.

² Like that of the English Chronicler, see 1087, 1135, 1137.

should pronounce if we contrasted his rule with a constitutional monarch's.

We may fully recognise that feudalism was the best social system possible in England in the eleventh century, but the very fact that it was so, marks the extraordinary difference between that age and this. Nowadays the free play of individual self-interest is assumed in commercial arrangements, and this force has given the greatest possible incentive to the development of industry by inventions, and of commerce by enterprise: the main principle of much commercial legislation in this country has been that of giving free scope to this individual, self-interested activity. But for this, the social system, during the Norman reigns, gave no scope whatever: there could be but little desire of accumulation when the ever recurring tallages, aids and fines, were so sure to empty the hoards that had been filled during several preceding years. There could be no enterprise in seeking out a new line of life, for each villain was bound to the land, and no lord would willingly part with his services: there could be no high farming while the custom of the manor and the collective ownership of the teams forced all to adopt the same system¹. Even in trades there was no opportunity of raising oneself; for the prices, of the only articles in the production of which there would be much competition, were settled by authority²; and merchants too were subject to special risks, or to special fines for protection, as well as to heavy trading dues. If the royal authority was a key-stone for the whole social fabric, it is not less true that the condition of industry and commerce was directly affected by the royal decisions: the initiative

Feudal society gave no scope

for individual enterprise

¹ On the break-up of this system, see below, p. 253.

² At least in accordance with legal regulations, see below, p. 173.

and progress was initiated by the Kings.

in progress, where progress was made, lay far less with individual traders than with the king himself.

The story of the reigns of William's two sons brings into clear light the extraordinary influence which the personal character of the king exercised in the whole condition of society and in every relation of life. The Red King, with some chivalrous benevolence, yet fearing neither God nor man, made the most of every occasion *Flambard.* for extortion, which the ingenuity of Ranulf Flambard was able to devise, so as to support a body of mercenaries, and to defray the cost of building great castles and defences in London, Carlisle, and elsewhere. It was in his time that the military obligations to which the tenants were liable were first explicitly demanded: what was implied in the whole Domesday survey, but never stated there, was now logically expanded and ruthlessly enforced. The feudal system of taxation was that of giving aid as occasion demanded, and the art of the crown advisers consisted in making occasions. So too each great office, supported as it was by revenues of some kind or another, was looked upon as a possession granted by the king, and for the bestowal of which he might fairly demand a relief: the public responsibilities of officers of state were unthought of, and the sacred calling of priests and bishops was ignored¹. The worst abuses *A.D. 1100.* of the reign of the Red King are recorded in the charter²,

¹ On the death of a bishop the revenues were treated as escheating to the king, of whom he held his office.

² 1. Sciatis me Dei misericordia et communi consilio baronum totius regni Angliae ejusdem regni regem coronatum esse; et quia regnum oppressum erat injustis exactionibus, ego, Dei respectu et amore quem erga vos habeo, sanctam Dei ecclesiam imprimis liberam facio, ita quod nec vendam, nec ad firmam ponam, nec mortuo archiepiscopo sive episcopo sive abbate aliquid accipiam

in which Henry of Winchester specifies the evils he will seek to remedy.

In the reign of a wise administrator like Henry of Winchester, we find all this changed: it was in him to develop a well organised and firm government, so that the people might be at peace while the king profited by their immunity from violence. The exactions of Henry were perhaps more oppressive, in a sense, than even those of Rufus, since they were more frequent; for the large occasional aids of these times were not supposed to fall upon income, but to be drawn from the accumulated hoards of several seasons. Yet even in spite of all this, the Lion of Justice did so far maintain security for life and property as to give more favourable conditions for industry¹ than had been known for many preceding years. It was thus that the needed initiative was taken by the king, and that trade began to thrive. If the king profited, it was because of the comparative prosperity of the people under his rule; and when the terrible anarchy of the so-called reign of Stephen was over, the same A.D. 1154. course was pursued by Henry of Anjou.

It is in the reigns of the second Henry and his sons that we see the crown attaining to its highest pitch of irresponsible power. Irresponsible power. his governing is no longer the reckless self-assertion of a tyrant like Rufus, but an unfettered sway by the head of a great social system, of which all the parts were completely subordinated to himself. This result was partly attained by the commu- Military resources. tation of the personal knightly service, which had been

de dominico ecclesiae vel de hominibus ejus donec successor in eam ingreditur. Et omnes malas consuetudines quibus regnum Angliae injuste opprimebatur inde aufero; quas malas consuetudines ex parte hic pono: &c. Stubbs, *Select Charters*, p. 100.

¹ See below, § 34.

expected in the preceding reigns from those who held land by military tenure, for the payment of *scutage*, with which the king could maintain a more regular army. A somewhat similar change had taken place with regard to other contributions for military purposes; it had begun when Æthelred levied Danegeld instead of calling out the national host¹. The obligation to assist in the defence of the nation was one from which only the few socagers and tenants on royal domain were free; but it was one which was only supposed to be of occasional occurrence, and which different communities were expected to meet in different ways. Each demand for Danegeld was practically based on the duty of assisting to repel an invader; and though the levy of Danegeld practically ceased under the Confessor, the people were still liable to the old obligation of assisting to defend the realm. In the first Norman reign it was occasionally, as in 1084, discharged in the form of money payment², but the successors of Rufus were able to extort this annually. When Henry II. obtained money in lieu of knightly service he took a farther step to render the crown free from the recurrence of such embarrassments as those which had prevented Harold from keeping his levies together on the south coast, and which had stood

¹ Freeman, *Norman Conquest*, i. p. 299. The assessment of the shires for ships in 1008 was another form of the same demand, and is interesting as giving the excuse for the ship money of Charles I. Freeman, *Ibid.* p. 336.

² *Dialogus*, i. ix. The annual levying of the Danegeld was thus a novel oppression; it was also an oppressive tax because farmed by sheriffs who made what profit they could out of it. The changes in the mode of rating introduced by Henry II. appear to have coincided with severe measures against the sheriffs and a greater centralisation of authority. It would be interesting if we could feel sure which part of this change it was that roused the indignation of Becket.

in William's way when he called his barons to aid him in his crusade for a kingdom.

The feudal system in England was throughout one of contracts between the king as centre of the whole, and each of his tenants: but there was no public opinion to determine the contracts, and no public authority to see that they were truly carried out on both sides: nor did any of his successors shew the same conscientiousness in trying to be fair, as is evidenced for us in the pages of William's great survey. When the tenants were able to elude the performance of their obligations, society fell into a state of anarchy; when the king was strong enough to hold his own, he was strong enough to defy resistance and to strain the obligations of the barons in his own favour—he was practically irresponsible. Thus the period of feudalism was not so stagnant as the nature of the system might have led us to expect: there was a constant change from anarchy to irresponsible monarchy, and from irresponsible monarchy to anarchy. Through the whole of this political ferment new ideas began to spread, till new social forces made themselves felt, and new institutions arose.

§ 31. It would be impossible to understand the origin and growth of the industrial institutions of the feudal period without some brief reference to these newly arising moral sentiments. Human nature could not be strictly tied down within the limits prescribed by the feudal contract; and when the terms of that contract were wrongfully strained by Rufus or later kings who took full advantage of their irresponsibility, all that was best in human nature was set in antagonism to the social system. The force of reaction called forth the religious and the adventurous spirits of the time.

To both these factors far more importance would have

to be ascribed if we were tracing the history of France. *in France.* In that land the royal power had not hitherto made itself effectively felt; anarchy like that of Stephen's reign was the normal condition of affairs, since private war between the barons never ceased. The king's peace was not respected, and there were no royal tribunals to punish breaches of it; whatever security was gained for the husbandman and the plough, for the weak and unprotected, was gained by the struggle of the Church to maintain the peace of God¹. In so far as the warfare of the barons was kept within limits, it was through the establishment of the truce of God on several days in each week, and many weeks in each year. In France these ecclesiastical customs declined, when, with the growth of the regal power, and other means for attaining the same ends, the need of them was no longer felt: for precisely similar reasons there never had been need of them in England.

Religious spirit.

The religious spirit was not called on to create means for controlling the barons in our land; it was called on however to protest against the conduct of the kings. *S. Anselm.* This gives an abiding interest to the career of S. Anselm: he made a protest against the practice of treating all offices as possessions, held of the king on the king's terms: he felt that he had a greater responsibility than that of satisfying the king; and his struggle about the symbol of investiture was a declaration that such duties as his must be discharged with reference to right, not in mere accordance with his contract with a king.

Yet after all, this earnest feeling had not sufficient force to bring about any marked step in religious or social advance: it was a mere sentiment which scarcely led to any positive result, unless when, combined with

¹ E. Semichon, *La paix et la trêve de Dieu*, i. p. 36.

other factors, it served as an additional incentive¹. It was one thing to feel what was wrong, and another to create a remedy; and besides, there was no positive expression of right to which appeal could be made: those who hoped to find one in the decisions of the court of Rome were doomed to bitter disappointment; nor could any help be obtained from the force of a sound public opinion. Men who sought to live good lives were thrown back on some capriciously formed ideal of what was right, which was in time too often degraded by the rude conditions of actual society².

If the religious spirit was roused into antagonism to *Adventure*, the abuses of feudalism, opposition to the restrictions which the system involved was shewn in a spirit of adventure, which sometimes appeared in a religious guise. Allusion has been made above to the repression of individuality during feudal times: there was no room for it to shew itself in the ordinary affairs of life, and thus a ready welcome was given to projects which offered it an outlet. The whole movement of the Crusades, affecting as it did all classes of society, was the most striking proof of its force: but religious pilgrimages and the chivalrous undertakings of the knights were largely due to it. Yet this too, was but a barren sentiment, since it failed in attaining its direct objects, and did not create permanent institutions; though these fruitless adventures had an unlooked for effect in preparing new channels for commerce.

¹ We may see it at work when we consider the part taken by the clergy in obtaining the Great Charter, or the religious side of the formation of gilds, see below, p. 204.

² The complaints of the Cistercians, and later of the Friars, shew that the Benedictines had fallen away from their high aims; nothing can be more sad than the contrast between the ideal of the Templars and the actual life in the order.

II.

ROYAL POWER AND SOCIAL CHANGES.

32. Relations with the Continent. 33. The Crusades and European Trade. 34. Internal trade, towns and gilds. 35. Actual communication and articles of trade.

*Relations
with the
Continent*

§ 32. The Norman conquest had direct and important effects in stimulating English trade: a close connexion was established between our country and the great northern duchy of France: in the early Plantagenet reigns by far the larger portion of the territories of the King of England were on the continent. The constant intercommunication, which these close relations rendered necessary, must have given much more frequent opportunities for trade; while the fact, that the lands on each side of the Channel belonged to the same ruler, must have made trading very much more secure, and therefore more profitable. Even then, while industry was depressed by a feudal system, foreign trade was receiving a certain stimulus from the new political relations of the country; and the vigorous administration of the first and second Henrys was decidedly favourable to the development of internal trade¹.

*and com-
mercial
activity
there,*

The effects of the close connexion of England with the continent would be more marked at this than they could have been at any previous era; for the twelfth

¹ The taxation of moveables, especially the Saladin Tithe, as well as of land, is another evidence of progress of this kind.

century was one of extraordinary commercial activity, all over Europe¹: the merchant cities of Italy were attaining to power; those of Spain were forming a barrier against the Moslem; the communes of France were beginning to free themselves from the extortions of turbulent barons; the burghs of Scotland were attaining their highest prosperity; and there are traces of the associations which in time developed into the Hanseatic league, and formed a great network of commercial stations all over Europe.

The growth of these towns may be regarded as a sign, rather than a cause, of this great commercial movement. Apart from the greater security, which had been attained through the peace of God, or the king's peace, or by mere association, there was only one great factor to which we can point as having indirectly given a general stimulus to commerce all over Europe: but the Crusades undoubtedly had this result.

§ 33. Though it is our business to notice the effects *the* rather than the causes of the Crusades, a very few words *Crusades.* may be said about the origin and meaning of this extraordinary movement. It was chiefly a religious move- *Their re-* ment, preached by pious men like S. Bernard², and *ligious side,* undertaken in a true spirit of religious enthusiasm: we may recognise this most fully, while we yet call attention to the economical and social conditions which favoured the spread of a religious enthusiasm of this peculiar type³.

Within Europe itself, and especially in those countries where a feudal system was most fully developed, an eager *and social*

¹ C. Innes, *Burgh Laws*, preface, p. xxi.

² On his influence in regard to the second Crusade, J. C. Morison, *Life of S. Bernard*, p. 416.

³ Compare Palgrave, *England and Normandy*, iv. pp. 514—540.

*conditions
which
favoured
them.*

Chivalry.

longing for some sphere for independent action was keenly felt by many of the barons and knights. Whatever the horrors and the follies of the Crusades may have been, they afforded a nobler outlet for human energy than had been found in the constant private warfare which was being slowly extinguished, by the Church through the truce of God, and with the growth of royal power. The spirit of adventure and daring found a new outlet; and terrible as were the cruelties perpetrated in the name of Christianity, the spirit of adventure was consecrated by being devoted to a less selfish end. This was obviously the case even in Europe itself: the sense of the devotion of bodily powers to a holy purpose raised the whole tone of military life, and took a place in society in the chivalrous orders.

*The
peasantry.*

The same spirit of adventure which moved the nobles shewed itself as strongly in the sadder story of the multitudes of peasants¹ who set forth on a pilgrimage to the Holy Land. With no conception of the length or difficulties of the journey, with vague ideas of Old Testament plenty and New Testament glories in the Holy Land, they started by thousands, each family in their bullock cart, leaving all the means of industry behind: it was like the rush to the gold fields in modern times, but undertaken with far denser ignorance and under a more blinding glamour.

Policy and

commerce.

The movement was favoured by other conditions as well: to Urban it probably appeared a diplomatic course which turned attention from troubles in Christendom itself; by some of the Italian cities, whose commercial relations with the east² had been ruptured by movements

¹ Michaud, *Crusades*, I. p. 60.

² These had been considerable; the fair on Mount Calvary on Sept. 15th was of special importance. Michaud, *Crusades*, I. 11.

among the Mahometan peoples, it may have seemed a wise commercial policy, as well as a source of immediate gain; to Genoa and Venice in particular it certainly proved to be the latter¹.

Within Europe, the immediate and direct result of the movement was an extraordinary redistribution of wealth, especially of landed property². Those who started on the first Crusade and desired to equip themselves for it, sometimes mortgaged their lands and never redeemed them; or they perished in Palestine, when their lands lapsed to the crown, or more frequently perhaps to monasteries that had been acting as trustees during the owner's absence. In one way or another the clergy were very largely gainers by this social revolution—at any rate in its earlier stages.

The sending out of such large expeditions, and the attempts to reinforce and supply them, opened up an amount of communication between the north of Europe and the Mediterranean which had hitherto been unknown³. They had another effect in the establishment

Effects in redistribution of wealth

and in opening new communications.

¹ Michaud, *Crusades*, III. 325 fol.

² Palgrave, *England and Normandy*, IV. 584.

³ The details of the course taken by various bodies of crusaders give us the best information as to the possible means of communication; just as at an earlier time (A.D. 333) the itinerary composed for pilgrims from Bordeaux to Jerusalem gives us our most accurate information as to the roads that were available then. (Michaud, *Crusades*, III. 351.)

Till the Cape of Good Hope was rounded trade between England and Persia or India must have been centred at certain depots on the Mediterranean or Bosphorus, and was conducted by various routes to and from these centres. In Roman times Ephesus had been the great depot for trade between the East and Rome, as also Alexandria: but Constantinople had gradually come to eclipse Ephesus, and Alexandria had been of less importance since it fell

of new lines of communication within the Mediterranean itself, and the planting of factories which long continued to be centres of commerce. Not least important is it to notice that the era of the Crusades seems to mark the compiling of a maritime code¹.

*Increased
commerce*

§ 34. We have thus noticed the causes which were

into Mahometan hands. Though Constantinople had a large share of whatever South German trade there was, as it passed down the Danube from Ratisbon and Vienna, she began to suffer in the tenth and eleventh centuries from the competition of Genoa, Pisa and Venice; a commercial route passed from northern Italy and the Istrian ports through the Tyrol to Augsburg and Nuremberg: both routes, like that to Marseilles, were accessible from Flanders, and therefore from England.

There were various routes by which the commerce of the East reached these European depots. In the eighth century it was chiefly brought by caravan from Bagdad: in the tenth we find Cairo and the Red Sea route more favoured; while the merchants of Constantinople had all along enjoyed a monopoly of routes by the Black Sea and Caspian, as well as by Trebizond and the Euphrates valley. Commercial relations with the East were of course seriously affected by the long struggle of the Crusades; but the cities of Italy profited by the business of transport which fell into their hands. The Venetians also secured more permanent advantages, and established numerous factories all round the Levant, besides obtaining (1203) a footing in Constantinople which gave them access to the northern routes to the East. Cf. Worms, *Histoire de la ligue hanséatique*, Paris, 1864, pp. 11 ff.; Macpherson, *Annals of Commerce* under 1063, 1064, 1203; Michaud, *Crusades*, III. 325.

For routes at a later time compare Sanuto, *Secreta Fidelium Crucis*, a most curious work which throws extraordinary light on the condition of the East, and the nature and cost of military preparations in the fourteenth century; and T. Mun, *Discourse of Trade to the East Indies* (1621), p. 8.

¹ On the history of the growth of maritime law, compare Sir T. Twiss's Introduction to the *Black Book of the Admiralty*, II. p. xxxix. See also below, p. 178.

In operation for promoting greater trade: the security *centred in* given under the former Norman reigns, the closer connexion with the continent, and the general commercial movement of the day. How far each of these various factors influenced the growth of particular towns it may be impossible to say; but we may at least point out some signs of this general progress in England, during the period when these causes were at work.

To form any idea of the condition of English towns *the towns* at the commencement of this period, we must of course turn to Domesday. In several cases, notably in Lincoln, Stamford and Cambridge, there is a mention of lawmen (*lagemanni*¹), who were distinct from the burgesses, and shew us some sort of municipal government. But in the last of these cases we do not find the freedom of managing their own affairs, which the townsmen always craved, for it is not stated that these municipal authorities had rights of *sac* and *soc* or the assize in their own hands; and the assessment of the *landgabel* probably remained in the hands of the sheriff. All the inhabitants who had houses in the town and paid their share of the taxes were burgesses; but their modes of life need not have been very different from that of the dwellers on the neighbouring manors. They had land, and were engaged in agriculture; and though many of them may have engaged in trade, there is no reason to believe that a specially large proportion of the inhabitants were employed in industry. Some simple domestic manufactures were carried on in every household, town and country alike; and others, like that of the smith or the potter, would localise themselves in places where there was fuel or clay. In the towns the inhabitants were more thickly

¹ Probably a Danish institution, Stubbs, *Const. Hist.* 1. 93, 198.

clustered, but there could not be the same distinction between town and country employments that we find in the present day.

*Town
Gilds.*

One institution only can be named as markedly distinguishing some towns—for we have no proof of its existence generally—from any village: these were the gilds into which the burgesses were united by royal permission for purposes of social regulation. Such associations played a great part in Northern France in the first beginning of many towns¹; and by the common action of these associations a great deal was accomplished in the way of securing the inhabitants of each *commune* against the depredations of barons engaged in private wars, and generally speaking, of maintaining the peace of God. There was no need for them to undertake this function in historic times in England, as the king's peace was enforced during the parts of the year which the peace of God had been intended to protect, and also professed at all times to give security on the main roads and navigable rivers of the realm². The gilds may have at first existed to preserve peace; though their laws portray them as chiefly concerned in the eleventh century, with the maintenance of common interest and a mutual regard, which fitted the inhabitants to undertake the management of their own taxation when the opportunity arose.

*Internal
trade.*

During the hundred years which followed the taking of the Domesday Survey, the establishment of greater security and the closer connexion with the continent brought about a considerable development of internal trade. It was during the reign of William the Conqueror

¹ Semichon, *La trêve et la paix de Dieu*, i. p. 195. Levasseur, *Histoire des Classes ouvrières en France*, p. 180.

² Roger of Hoveden, II. 219, 223.

³ On Frithgilds see above, pp. 42 note, 73.

that a number of Flemings were driven from their own country by an incursion of the sea¹. In the reign of Henry I. they were removed from the neighbourhood of Carlisle, where they had been planted at first, to Pembrokeshire, where traces of the colony remained for many years, and are possibly not yet extinct. For the sake of opening up the country King Henry constructed a canal in the valley of the Trent from Torksey to Lincoln², or possibly reopened an old channel from which the river had previously been diverted. A.D. 1111. A.D. 1112.

There were other reforms which bear witness to the improvement in the conditions of commerce. The difficulties in trade from the defect of standard measures were met by a statute establishing one yard for the whole kingdom, and it was said that the length of the king's arm was taken as the standard³. Henry was however by no means successful in securing a uniformity, for Richard I. was forced to legislate on the same subject; his regulations have not been preserved in such detail as to be very instructive⁴. An effort to punish the moneyers⁵ for issuing light coin, met with very little success, if we may guess by the need which existed for repeating similar legislation from time to time; but by commencing to coin portions of the penny as round pieces, Henry did away with the necessity for occasionally breaking and thus reducing the coinage. Measures and coins.

¹ Macpherson, *Annals of Commerce*, on 1111.

² Ea tempestate rex Henricus facto, longa terrae incisione, fossato a Torkeseie usque Lincolniam per derivationem Trentae fluminis fecit iter navium. *Roger of Hoveden*, I. 179. Compare Macpherson, *Annals of Commerce*, 1121 n.

³ *William of Malmesbury*, lib. v. § 411.

⁴ *Roger of Hoveden*, IV. 33.

⁵ *English Chronicle*, 1125.

*Charters
granting*

No changes however were so important as the increased recognition of the burgesses as a responsible body, who might manage their own affairs according to their own customs. The full legal status of a corporate town was not yet conferred. London had indeed advanced far and was allowed to elect its own sheriff, and the citizens were freed from the necessity of appearing before other tribunals; but the greater part of the towns were doubtless on domains, where the lord of the manor could not, if he would, free them from the tyranny or extortions of royal officers. The possession of a hanse house where buying and selling might go on before proper witnesses seems to have been chiefly coveted by the townsfolk: we may simply regard it as a permanent institution to carry out the requirements of trading publicly that have been noted above¹. In York there was such a hanse; so too in Beverley²: in London a German hanse for the use of the men of the Emperor existed long before³.

*a hanse.**Burgh
customs.*

But if we want to get the clearest account of the customs which the burgesses maintained, when thus permitted by charter, we must seek for evidence from Scotland. The burgh laws of Scotland⁴ have undergone some modification in the form in which they have come down to us; but there is no doubt that they were originally embodied in the twelfth century, and that the customs had existed as an unwritten code for many previous generations; while the customs of Newcastle⁵ are practi-

¹ See above, p. 70.

² Stubbs, *Select Charters*, p. 109.

³ See above, p. 81.

⁴ Edited by Professor Innes for the Scottish Burgh Record Society.

⁵ Stubbs, *Select Charters*, p. 111.

cally identical with those of the Scotch burghs. When we pass to a later period we find in the *Domesday of Ipswich*¹, compiled in the time of Edward I., a detailed picture of the system of government which had grown up in a chartered English town,—of the rights and status of the burgesses, the administration of justice, the protection of property, as well as the care for trade. The customs which thus grew up among sensible citizens marked the lines which legislation subsequently pursued.

From Henry's point of view it was desirable that *Free towns* trade should centre at public places where the dues of trade could be easily collected; and to remit the dues would always save the king trouble in collecting them from the dwellers in what thus became a *free town*, but he lost in no other way as they paid him an annual composition: this annual payment was levied on the dwellers in the town as a house rate. The burgesses, who paid heavy rates for the enjoyment of freedom from custom duties, were naturally anxious to protect *and upland men* themselves against others who tried to use their privileges without sharing their burdens². In the Scotch burgh laws we find much jealousy of the *upland* man, and every facility of distraint against him is given; on the other hand disputes among burgesses are to come before the burgh court. Similarly no trader, unless a merchant, was to buy or sell in the country round any of the chief commodities of trade; and privileges of this sort were secured to the towns by the charters of Henry I. The burgh laws regard these privileges as a right to which the burgesses were entitled by the purchase of their freedom

¹ Printed in the *Black Book of the Admiralty*, II. p. 1.

² Such as men who had the freedom but lived out of the burgh, craftsmen who as poor men paid a very small share of the burden, and unfree traders who competed in the district.

from paying tolls¹; but before such composition took place, the kings would be not unwilling to grant privileges so as to force the trade into public channels where their officers could collect the dues.

Incorporation of the towns was the recognition of the burgesses as collectively responsible for the royal revenue, instead of having it paid through a sheriff. It was an undoubted improvement, both from the point of view of the king and the burgesses, since both gained when the middleman no longer intervened between them. The collection of dues and taxes was farmed to one of the inhabitants rather than to the royal officer in the shire; but it might not always be the case that any of the townsmen were such substantial men as to be deemed by the king fit for such a responsibility. When the burgesses were incorporated, however, they became collectively and individually responsible for the payment of the annual ferm², and for the payment of arrears incurred at any time after incorporation; and thus the king was always able to farm out the revenues of such a town to an officer of their own choice. The real point of the change made by incorporation was the establishment of a collective responsibility on the part of the burgesses: and when the king had a responsible body with whom to deal, he could dispense with making any provision for collecting the customs, or levying of burgage, or securing profits which arose from jurisdiction³. The citizens undertook

¹ On the gross abuse of these privileges by the men of Newcastle in the seventeenth century, see below, p. 274.

² Madox's *Firma Burgi* is one long argument to establish this point.

³ See especially the charter of Henry I. to London: Stubbs, *Select Charters*, 108.

to pay him an annual composition for all these sources of revenue, and thus were made free of customs and other taxes, while they levied a house rate among themselves to discharge the annual payment. The management of the town thus incorporated was closely associated with the formation of a gild: in the Scotch towns the gild and the town seem to have been practically identical, and it was argued at one time that in England too this had been the case—a view which had important political consequences when Charles II. desired to attack the freedom of the burghs¹. It is, however, more correct to say that one of the privileges which the townsman chiefly craved was that of having a gild. A gild might perhaps be set on foot, but could not exercise any authority without royal or at least municipal permission, as became specially evident when Henry II. fined the adulterine gilds²; but it was a privilege of which the townsmen availed themselves as soon as it could be obtained³; and the town gild of most towns is probably just as old as the first privileges that were granted to the citizens.

The gild affairs were managed by the most substantial citizens, and when the industry of the towns was so little developed these were undoubtedly traders or merchants, since trade was the *raison d'être* for most of the towns. It never was a mere merchant gild, favouring the merchants as a class and oppressing the craftsmen as a class, unless the opposition became defined

¹ Cf. Ranke, *History of England*, iv. 170. On the relation of gilds and boroughs see Twiss, *op. cit.* II. xvii.

² For the names of several of these unwarranted gilds cf. Madox, *Firma Burgi*, p. 26.

³ Merewether and Stephens bring out this point in connexion with the granting a charter to Ipswich by John. *History of the Boroughs*, I. 393.

by the formation of craft gilds; and in England this opposition did not come to be of any importance since there was a strong royal jurisdiction to do justice between them¹. The royal power, by affording security to the merchants at home and by undertaking their negotiations with foreign countries, relieved the English merchants from all the heavy expenses which made the Scotch merchant gilds specially tenacious of their privileges². It was from the action of these causes that the town gilds of England, though spoken of as merchant gilds, never became mere exclusive gilds of merchants for favouring mercantile interests, as was the case in Scotland and Germany.

*Business of
the gild.*

The business of the gild was that of framing and enforcing a sort of market law,—seeing to the weights and measures in use, taking measures for securing and evidencing by their trade marks the quality of goods exported from the town, adjusting disputes of any kind³.

*The assize
of bread.*

It was often the duty of this body to regulate the assize of bread and beer⁴, that is the sliding scale by which

¹ Brentano's general account of gilds (*Gilds and Trades Unions*) has almost ignored this striking distinction, and treated the English gilds as if they were closely analogous to Continental ones: his statements are admirably discussed in detail by Ochenkowsky, *Englands wirtschaftliche Entwicklung*, p. 56.

² All these points are most fully brought out in the very complete accounts which are preserved of the Scottish merchant gilds. *The Records of the Convention of Royal Burghs* are an invaluable source of information which has attracted surprisingly little attention.

³ E.g. the business of average adjusting, and dividing the share of loss to be borne by the shipowners and owners of cargo respectively when a cargo was lost. *Records of Convention of Royal Burghs*, I. 117.

⁴ The maltsters at Aberdeen endeavoured to be recognised as a free craft with their own 'dekyn,' and thus to get the assize of beer into their own hands, but experience proved "the haill commonis

their values were adjusted as corn varied in price¹. The weight of the loaf was to be reduced according to a fixed ratio, which allowed for the cost incurred by and for a fair profit accruing to the baker, as corn rose in price. In Scotland this long remained a piece of burgh regulation; but in England a general assize of measures for the whole kingdom was established in the Great Charter². A.D. 1215. Similar attempts made by Henry II. and by Richard I.³ had apparently been failures; but by the time of Edward I. there was one assize of bread and beer recommended for all towns⁴.

The town gild was certainly a native institution, but it was so far analogous to the French *communes*, that the development of these institutions abroad, during this same century, may probably have reacted favourably on similar progress in England. Another urban institution *Craft gilds* was in all probability directly due to the connexion with Normandy at this time, and an importation from Rouen, rather than a native growth. There is some reason to believe that the Roman colleges of artisans⁵ so far

to be mekill preiugit thairby, and to sustene intolerabill skaith." *Convention of Royal Burghs*, i. 104.

¹ See Appendix II.

² King John also established an assize of wine, fixing the price at which the wines of Poitou and Anjou were to be retailed, and also the wholesale prices. He left so little margin of profit, however, that the merchants could not continue the trade, and the retailing price was raised from 4*d.* and 6*d.* to 6*d.* and 8*d.* the gallon, "et sic repleta est terra potu et potatoribus." Roger of Hoveden, iv. 99.

³ Roger of Hoveden, iv. 33.

⁴ Fieta II. 12 incorporates it in his instructions for the management of royal estates. The precise date of promulgation is uncertain. See Appendix II.

⁵ In regard to Roman gilds compare Hatch's *Bampton Lectures*, Lect. II. notes, and Levasseur, *op. cit.* Book I.

survived in some Gallic towns during the barbarian invasions, that they naturally revived as soon as the country became sufficiently settled to allow of industrial progress. At any rate we find from very early times *corps-de-métier*, which bear very strong marks of a Roman origin; and after the Norman conquest, though not before, we find traces of similar associations in English towns: the weavers of London are mentioned in the time of Henry I., and craft guilds were among those dissolved by Henry II. on coming to power¹. The evidence of language would also favour the supposition of a Norman origin, for we should scarcely find a native institution so generally called by its romance name of *mestier* or *mystery*².

Progress of
towns

So far the influences which have been noted as contributing to the growth of the towns were the establishment of greater security by the kings, and the closer connexion with the continent; we can also see the direct effect of the Crusades. Barons who were going abroad were anxious to obtain a large sum of ready money, and one way of procuring it was by granting a charter of liberties to a town under their jurisdiction: for such a privilege the townsmen were willing to pay a large fine. They could not of course commute all future annual dues by one large payment, but they could pay a fine for the privilege of incorporation, and for obtaining the advantage of farming their own customs and taxes themselves. It is thus that times of special need were the great opportunities for paying a fine and securing a

¹ See below, p. 205.

² This is derived from the Latin *ministerium*: the recognised spelling of this word, as if it had some connexion with *μυστήριον*, is an obvious blunder. Even the art of printing is no mystery in that sense of the word. Madox, *Firma Burgi*, 32.

charter. The charters of Rye and Winchelsea¹ were A.D. 1191. confirmed on their supplying two ships when Richard Cœur-de-Lion desired to go on the crusade, those of Portsmouth and Norwich² from about the time when A.D. 1194. money was required for his ransom.

The extraordinary development of town life during the century from the taking of the Domesday Survey till the reign of Richard³ is most clearly marked by the facts which shew that the towns were now becoming not only trading but industrial centres. While in Domesday Book *in in-* there are few, if any, indications of this side of their life, *dustry.* the formation of craft gilds, not only in London, but in provincial towns gives proof of a very general progress, while some of the stories that have come down to us—notably that of William with the long beard,—give incidental evidence in the same direction. This gradually increasing industry would have in itself accounted for the increasing foreign trade (by which it was doubtless stimulated in turn); even if we could not point to such important concomitant causes as the political connexion with the continent, and the international communications which were established by the crusaders.

§ 35. It is under the circumstances disappointing to *Shipping,* have so few notices of actual voyages and shipping. One such occurs in the time of Henry II. when the king of Sicily offered to send galleys to convey an English princess who was betrothed to his son to her new home⁴.

¹ Rymer, *Foedera*, i. 53.

² Rymer, *Foedera*, i. 63.

³ On comparison of the vague clauses in Henry I.'s charter with the explicit promises in the Great Charter, cc. 12, 13, 20, 33, 37, 41, we shall be inclined to this shorter period as being the time of most marked progress.

⁴ Rymer, *Foedera*, i. 32.

Another is found in the accounts of the fleet formed by A. D. 1120. King Richard when on his way to Palestine: it is said by English chroniclers to have created a great sensation among the people of Sicily who had never seen its like. It consisted of thirteen large vessels (busses or dromonds) with three masts each, fifty armed galleys, and a hundred transports. More than a hundred other vessels formed another fleet which started at the same time, but did not touch at the same point. The galleys were low and light ships armed with a beak by which an enemy's ship might be pierced; all the vessels composing these fleets could be managed either with sails or oars; in general they were manned with two banks of rowers¹.

its directions;

The want of further evidence of the same kind is partly explicable, if we may assume that no regular commercial voyages were made during this century between Italy and England. The surprise of the English travellers at first seeing flying fish may go to shew that English sailors were at this time unfamiliar with the Mediterranean waters. The chief English shipping trade would then be carried on across the narrow seas, and towards the north; while communication with the south of Europe was kept up by land transit. At the opposite pole, Norway was a great naval power, and seems to have been important commercially as well; the Scotch bishop A. D. 1074. Turgot escaped from Grimsby by getting a passage in a Norwegian merchant ship²; and other incidental notices seem to imply a large trade there.

the articles conveyed.

We are not wholly destitute of information as to the chief articles of regular trade³. Henry of Huntingdon,

¹ Macpherson, 1190, and authorities quoted there.

² Hoveden, I. 129. Compare also Forrester's translation of Ordericus Vitalis, III. p. 214, and notes there.

³ Occasionally, there was an export or import of corn. Madox,

whose history was finally given to the world about 1155 in extolling the natural products of Britain¹, adds a single sentence in regard to its trade. He speaks of the trade with Germany as extensive, and mentions the objects in which it was carried on. The exports were lead and tin, fish and meat, fat cattle, fine wool and jet: most of these are articles of very general demand; while our realm was so self-sufficing that there were none of the necessities of life, for which England in turn depended on Germany. Under these circumstances the silver of German mines, was imported into this country in very considerable quantities. From other sources we learn that foreign furs were in great demand.

It is not out of place to notice that owing to the high position which English kings then had in Europe there were frequent embassies from and much diplomatic intercourse with foreign lands; and it is not straining the indirect arguments if we assume that just as pilgrimages had smoothed the way for merchants, so these favourable conditions opened up a larger foreign trade: at the same time it must be remarked that the direct evidence is curiously small, and that in the few diplomatic communications with foreign powers which have been collected by Rymer there is a singular silence in regard to affairs of trade. The great undertakings which roused admiration, were due to the vigour of kings who conquered, and fortified, and went on pilgrimage; there was little room for the enterprise of private citizens, nor did they

*Diplomatic
inter-
course.*

Exchequer, p. 323, note k. The mention of slaves, by Giraldus Cambrensis (*Exp. Hib.* I. c. 18), as articles of regular trade occurs in a passage which is too rhetorical to be regarded as free from exaggeration.

¹ It is interesting to compare his account of the natural products of Britain with that in the first chapter of Bede's *History*.

take the initiative in any of the lines of progress we have noted. Royal connexions united England with the continent, royal policy granted the charters of incorporation, and royal examples stimulated the movement of the crusaders: though the initiative did not come from the people, these changes had striking effect on all classes; through the exercise of the royal powers were arising social institutions that were destined to control the royal will: the prosperous merchants of the towns¹, the increasing numbers of craftsmen, and the opening opportunities for foreign trade, were inconsistent with the social stagnation which could alone be compatible with a permanent feudal system.

¹ Such as Becket's father must have been.

III.

CHRISTIAN MORALITY AND PAPAL POLICY.

36. Immorality of Usury. 37. Jews and Italian Merchants.
 38. The drain of currency. 39. Pressure of Royal or Papal
 Taxation. 40. Provision for the Poor.

§ 36. An attempt has been already made to shew the need which was currently felt for some sense of right and justice higher than respect for the mutual obligation of a feudal contract; and it was pointed out that S. Anselm's appeal to Rome, and the rest of the struggle about investitures, have this as their real meaning¹. But the papacy, instead of answering the expectation of such men, was being dragged down to the level of the secular policy of the day: realms were treated as fiefs which the Pope granted to kings on definite terms; there was no fundamental difference between the grant of Ireland to Henry II. on condition of paying Peter's pence², and any similar grant from a king to a lay-baron, though the precise terms of these contracts were dissimilar; but it was by the course of papal policy during the reign of King John that the distrust of the Roman court as a fountain of justice came to be most strongly felt in England. People had hoped to find that the papal policy would be based in a high standard of right, while it seemed to be shaped merely

¹ See above, p. 116.

² Rymer, *Fœdæra*, I. 19.

by the desire of aggrandising the Roman see, and of enriching foreign ecclesiastics. The papal interference in English affairs of state, and in the administration of the English Church, furnishes a most interesting side of our constitutional and ecclesiastical history: but in economical matters, the interest is not so much in regard to effects that lasted for long ages, as to the light which this interference throws on international intercourse, and in a measure on the pressure of taxation, during the thirteenth century.

*and
morality.*

*Usury
unlawful ;*

But though the diplomacy of the Roman court was sowing the seeds of the antagonism to papal interference which has flourished so luxuriantly on English soil, there never was a time when more vigorous efforts were made by the Church to enforce a high standard of commercial morality. Monkish writers, as the modern phrase goes, like Matthew Paris, were struck by the apparent inconsistency between the decisions of the Pope on the appeals which came before him, and the conduct of his agents here¹. The whole of the commercial system which the Church endeavoured to enforce centred in the doctrine of the unlawfulness of usury. Originally recommended to the clergy as an excellence, abstention from receiving interest on loans had come to be regarded as a moral duty for all Christian men: it was not a crime to be punished by the law of the land, but a moral wrong to be repented of as a sin, and for which restitution should be made. It was in this way that the question of interest (or usury), and with

¹ A most careful study of the casuistical distinctions which were then current, and of the precise facts in dispute would be required before we could pronounce for certain whether this inconsistency was not only apparent but real. On the general subject compare W. Endemann, *Studien*, p. 97.

it, all the commercial questions which depended on it, came to be discussed by writers on penance¹.

The strong feeling in regard to the immorality of usury becomes perfectly explicable when we consider the circumstances of the time, and remember that there was, broadly speaking, no *field for investment*. If any one had a large sum of money, he could not apply it to any productive purpose: the method of tillage employed in each manor was binding on all the tenants there, and this prevented any enterprise in agriculture: similar obstacles rendered it impossible for any craftsman to extend his business; in mercantile pursuits this was far less true, but still so far true, as not to affect the broad statement². In these circumstances, a man who had a hoard of wealth was unable to employ it so as to gain a profit: if he lent it, supposing the security were good, and the sum was repaid to him, he had done a service to another, but had himself suffered no deprivation; and there was no labour or privation for which he could claim any compensation. Some one who may have had plenty of wealth, but was in pressing need of ready money, asked for a loan; to take interest from him was to take advantage of his necessities, for a service which involved no labour, no privation, and little, if any, risk³. The Jew could not use his hoard: a baron or abbot needed it to go on a crusade or repair a church;

because there was no field for investment,

and taking interest was therefore extortion;

¹ Endemann, *op. cit.* 9—24.

² When there came to be more frequent opportunity for embarking money profitably in mercantile speculations, and the productive power of trading on industrial capital was better understood, the moral objection to taking interest died out. Compare below, the opinion of Robinson (p. 337), in the time of Charles I.

³ The loans of which we hear were given on the security of taxes or of land. An interesting case, about the year 900, of borrowing £30 for seven years, on the security of land, and repaying it without interest, occurs in Thorpe, *Dipl. Ang.*, p. 201.

the baron or abbot by mortgaging his lands or revenues could give perfect security, and if the Jew charged interest he was simply preying on the needs of his neighbour—it was extortion. Still more cruel did it seem to take advantage of the farmer who had suffered by bad seasons, or the merchant who had had losses at sea. The prosperous never borrowed to extend their business, but the impoverished man might be reduced to great straits for want of stock with which to work for his living. To make an advance to the poor out of their own superfluity was the Christian duty of the rich and charitable; but to demand more than the simple repayment of a loan made to the necessitous, without cost to the lender, was mere extortion. Till times were so far changed that the rich man's hoards of wealth need never lie idle, but might through one channel or another set industry in motion, it was not thought possible for anyone to make a profit on his hoard except by taking advantage of the losses or necessities of other people: such extortion was immoral¹, and the Church rendered it illegal for Christian

¹ The state of popular feeling on this subject has changed far less than is sometimes supposed: by 'fair interest' we ordinarily mean interest that has a close relation to the current rate of profit on industry, an allowance being made for risk; a rate of interest which is far above this is still denounced as immoral where the lender is obviously taking advantage of the necessitous condition of the borrower. Opportunities for doing so are not infrequent, as in a very large number of cases the borrower is anxious to secure secrecy, and the lender to whom he first applies is practically certain of driving the bargain on his own terms, since the borrower cannot hear of other offers without exposing himself further. In other cases the competition of monied men will bring the current market rate of interest into close relation to a 'fair' interest, i.e. to the ordinary profit on productively employed capital: it is consequently only when there is no real competition,

men. There was another point of view from which the immorality of usury appeared obvious. Much stress was commonly laid on the Christian duty of pursuing some labour as a discipline of body and mind, even apart from the necessity of earning a living. In the earlier monastic life this duty is clearly brought out, and in each reform it was strongly insisted on¹. But the usurer earned his

*while
living
without toil
was im-
moral.*

and borrowing takes place secretly, that the ordinary Englishman denounces money-lending as extortion.

We habitually regard lending money on interest as one of the recognised usages of society, and take for granted that all is fair, so long as only the market rate, making due allowance for risk, is charged: but a perplexing problem appears as soon as we are called on by Socialists to justify the usage of modern society, as we habitually assume that our present social system is the best practicable, and that industry would cease if we tried to remove the burden of interest paid to private capitalists. From this standpoint Senior and J. S. Mill try to justify interest as being the "reward of abstinence," but this phrase is ambiguous. Abstinence from spending one's wealth is emphatically a virtue which is its own reward: the capitalist exercises his virtue of not-spending and is rewarded by having his capital to use: he has no claim for further reward from year to year on the mere ground of his abstinence during the period of saving. But if he uses his capital productively, he obtains a profit by setting labour in motion; if he lends his capital to another he can fairly claim interest for *abstaining from making a productive use* of his capital himself. Only in this last sense of the phrase can interest be justified as a reward of abstinence.

For an interesting statement of the argument against interest, see E. Fauconnier, *La Question Sociale*, pp. 95—147.

¹ Maitland, *Dark Ages*, p. 160; and compare Morison, *Life of S. Bernard*, p. 18. See also above, p. 59. From a somewhat similar point of view modern socialists denounce the *rentier* class: they would have stock for carrying on industries supplied out of public resources (see below, p. 412), and each individual remunerated according to the work—manual, intellectual or administrative, he did.

living without labour: with no sweat on his brow did he eat his bread, and therefore his course of life seemed to be immoral.

Unsatisfactory arguments adduced.

The circumstances of the time explain how all interest seemed to be extortionate, and therefore wrong: the writers of the day start from the consciousness that the taking of interest was wrong, but are not very happy in their attempt to explain how and why this was the case. The biblical argument, based on S. Luke vi. 35, was chiefly relied on; though the parable of the Talents presented a difficulty which had to be explained away: the Aristotelian opinion regarding the barrenness of money was also pressed into service; but it was not until the entire change in the economical conditions made the productive use of hoards generally possible, that the permissibility of taking interest commended itself to ordinary minds, and was expressly maintained by Calvin and Salmasius.

§ 37. From the fact that taking of interest was prohibited to Christian men, it followed that money-lending was a business which could not be pursued except by *The Jews*, Jews¹; in England they had an entire monopoly of it for a time. But the Jews had no rights or status of their own; they were the mere chattels of the king, all that they had was his. In this lay their security from popular violence²; but it was a security for which they had to pay

¹ The Jews also so far shared in the feeling against usury that it was a moot point whether their law allowed a Jew to take interest from another Jew, or only from Gentiles. In the fifth year of Richard I., Judas, a Jew of Bristol, incurred a fine, of two ounces of gold, for leave to have inquisition made in a Chapter of Jews, whether this was sanctioned by Jewish Custom or not (Madox, *Exchequer*, p. 166). It was distinctly condemned by their Scriptures. Deut. xxiii. 19, 20.

² "Letters patent tested the 3rd of April, were issued, setting

dearly¹. Their transactions were all registered in the Exchequer; debts due to them were really due to the king; and they might not accept compositions for payment, or grant a secret release². As a matter of fact therefore, the king had, indirectly, a monopoly of the money-lending in the country: so that the expulsion of the Jews by Edward I. was a permanent loss of revenue to the crown³. The Jews gained usurious interest⁴;

their condition.

Money-lending.

forth the injuries the Jews had lately received in the disturbances throughout England, and commanding the bailiffs and good men of Cambridge to make public proclamation throughout the town, that no one under peril of life and members should damage, molest or aggrieve the Jews, their lands, property, houses, possessions and goods, both within the town and without as much as they could." Cooper, *Annals of Cambridge*, 1266.

¹ By a writ tested the 14th of May the King constituted Isaac the son of Samuel, and other Jews, together with the Sheriff of the county, commissioners for distraining the Jews of the town of Cambridge for the proportion of a tallage of 20,000 marks; and a writ of assistance of concurrent date was directed to the Sheriff. The commissioners had power to seize the wives and children of the parties charged with this tallage. *Ibid.* 1241.

² Compare Madox's interesting chapter on the Jews, *Exchequer*, pp. 150—178.

³ It was a most expensive source of revenue, as the king got but little compared with what the people paid. For no action has Edward I. been more unjustly blamed than for the expulsion of the Jews. In the interests of good government the step was absolutely necessary, for owing to changes of circumstances, the Jews could no longer be treated as royal chattels, nor was the law strong enough to protect them if they were placed in the position of other citizens. When the step was determined on every care was taken to protect the Jews on their journey, and to procure for them the payment of the sums owed them by granting a remission of money that would otherwise have been exacted for the crown, to those who discharged their debts to the Jews themselves. Compare *Greatest of Plantagenets*, p. 148.

⁴ In Jocelyn of Brakelond's *Chronicle*, p. 2, there is a curious

a king by general fines, by fines for law proceedings, or by punishments for crimes,—even without proceeding to the grosser extortions which were practised by John,—replenished his own treasury out of the gains of men whose lives and property were in his absolute control, and whom he could mortgage, like other possessions, if it suited his purpose¹.

and
banking.

Besides being a convenient source of revenue to the crown, they also did the banking for the crown, by accommodating the king with loans. It appears to have been under the Normans, when the direct control of the king and his officials was so much more extensively exercised than before the Conquest, that Jews first appeared in England; as it was certainly the case that the king had more need for the regular assistance of bankers then, than in times when the business of government was less complicated. The expulsion of the Jews made the Edwards more dependent on the Italian bankers who had settled in Lombard Street, for the temporary loans they needed²: Edward of Carnarvon's policy was crippled by the pressure of his father's debts; and the extravagant demands of the third Edward ruined the bankers who had given him supplies.

Italian
bankers,

their
eversions of
canonical
restrictions.

In spite of the moral and Christian objections however, Christians, from a very early time, found means to engage in money-lending under the colour of fair trade.

account of the rate at which monastic debts to Jews, with the accruing interest, mounted up.

¹ For an excellent account of the condition of Jews throughout Europe, cf. von Raumer, *Geschichte der Hohenstaufen*, v. 243—256.

² E. A. Bond, On loans supplied to English Kings by Italian merchants in thirteenth and fourteenth centuries. *Archæologia* XXVIII. 207—320, where a large number of interesting bonds, letters of credit, &c. are given.

Matthew Paris gives a most interesting document from A.D. 1235. which we discover one such method of evasion¹ which was commonly practised. A sum of 104 marks was borrowed of certain merchants, called Causines², on April 24, to be repaid in full without interest on August 1st. If however the money was not forthcoming at that date, interest at the rate of 10 per cent. every two months,—60 per cent. per annum,—besides other charges, was to begin: this interest was nominally payment for expense incurred in sending for the money again and again; and through this excuse, the various canons and enactments against taking interest were evaded. The remarks* of the monk may be quoted as clearly expressing the state of feeling on the subject: "The Causines circumvented the needy in their necessities, cloaking their usury under the show of trade; and pretending not to know that whatsoever is added to the principal is usury under whatever name it is called. For it is manifest that their loans lie not in the path of charity, inasmuch as they do not hold out a helping hand to the poor to relieve them, but to deceive them, not to aid others in their starvation but to gratify their own covetousness, seeing that 'the motive stamps the deed.'"

Such was the feeling of an honest man in regard to the principles of fair trade: the taking of usury was the most flagrant violation of fair dealing and Christian duty, and this attracted most attention: doctors of the Church drew out the corollaries which followed from this prohibition at great length; and burgh customs and statute laws were influenced by the feeling. There were, however, other forms of trade which seemed to lie open to

*Profits of
Middle-
men.*

¹ Mat. Paris, *Chronicle Major*, III. p. 329.

² Causines, or Cahorsines, the merchants of Cahors in Guienne. Dante, *Inferno*, XI. 49.

the same charge: the profit of the merchants often seemed to come from the needs of their customers rather than from their own exertions in business; and as we shall see below, enactment after enactment was passed to remedy this apparent wrong.

*Power of
the Pope,*

§ 38. The position of feudal suzerain of England which the Pope had acquired during the reign of John, and the fact that by the will of that monarch he was guardian to the young Henry, strengthened the hold which the papal power had upon the revenues of England, and especially of the English Church. Peter's pence had been paid with more or less regularity since the ninth century; while preparing for the second crusade, the Pope taxed the clergy throughout Christendom as a means of supporting the undertaking; the connexion with the Roman See, which William of Normandy had introduced and S. Anselm favoured, was soon made an excuse for constant appeals; and immense sums were paid as mere bribes to the papal servants at Rome¹. In particular the various pretexts under which Rufus had appropriated Church revenues² were soon used on behalf of the papacy; while a large number of the richest benefices in England were in the hands of aliens and foreigners. The amount of ordinary papal taxation has been estimated at the enormous sum of 60,000 marks, for the year 1245, by Matthew Paris.

*and conse-
quent
taxation,*

*trans-
mitted by*

The gathering and transmission of so much money was a matter of no little difficulty; and the mechanism

¹ Otho proposed to assign a proctor at the court of Rome to each diocese, but it was not obvious that the payment of one man would have made it less necessary to fee several. Pearson, *op. cit.* II. p. 143.

² For calculations as to the amount of these resources, compare Pearson, *op. cit.* II. 496, and Milman, *Lat. Christ.* IX. 15.

by which it was accomplished throws no little light on the conduct of trade at the time. The tithes were A.D. 1231. gathered in kind and probably sold in the town markets¹, and the price remitted to Italy, either in specie, or more probably in bills of exchange. We hear of letters of *bills on* credit on behalf of persons abroad being issued by King A.D. 1199. John², and there can be no doubt that payments to the papal court were constantly made in the same way. The frequent complaints of the scarcity of coins in consequence of the sums paid to the pope would be quite as much justified if the coin was hoarded by merchants, as if it was actually transported³. This last would only be done when it was absolutely necessary.

With the development of foreign trade, which has been noticed in the last chapter, there must have been more need for the presence at every great mart, of men who were skilled in the business of exchanging the coins *exchangers*, of one country for those of another: the great variety in circulation even in one country where many people claimed the right of coining must have been considerable; and when foreign merchants arrived to make purchases, it was necessary to effect an exchange of their foreign coins, for the coinage of the country. This was

¹ In Kent in 1231, the opponents of the taxation, by means of forged letters, obtained payment of tithes on the Pope's behalf and then sold the goods for the public benefit. Pearson, *op. cit.* II, 150. Rymer, I. 203.

² Rymer, *Foedera*, I. 78.

³ A scarcity of coinage would reduce many persons to a condition of bartering, and thus hamper trade by re-introducing the inconveniences noted above (p. 73). In so far as this was the case, trading would decline within the realm: e.g. at the fairs, no one would have money to buy, travelling merchants could not afford to barter with cumbrous goods, and so the whole would stagnate. But this might occur while prices remained unaltered: silver would

whose
method of
business

done by the moneyers; and was, naturally enough, part of the business of the mint, as the foreign silver was recoined for use in England. But as soon as the work of the mint was centred in one place, there came to be a class of dealers in every town, whose business it was to change coins current in one land for coins of other denominations, or perhaps of the same denomination but of other values, current in the land where the alien merchants lived. It was a craft involving much skill¹, and the earnings made by exercise of it were called *cambium minutum*. It is obvious, however, that this occupation gave very great opportunities for fraud, and that under pretence of taking their earnings, very many may have made an extortionate profit.

Soon however it became obvious that the risk and expense of transporting the precious metals might be reduced by the use of letters of credit, if the merchant in one town had a branch establishment (*filiale*) in another: a perfect network of branches was started by some of the Italian firms. In such a case it was considered fair to

be withdrawn from circulation, but it would not necessarily follow that each piece of silver bought more goods, and that therefore prices fell. In so far as this occurred and general prices kept falling, it would introduce a stagnation into the trade between different parts of the country, and into the industry of town and country. For the reason of this, and an instance of the opposite effect with the discoveries of silver in the New World, see below, p. 308. A parallel to the stagnation of English industry through papal taxation has been drawn by some writers on India in the present day: they assert that the poverty of India under English rule is increasing, owing to the continued drain of interest on capital, and remittances for officers' families, pensions, &c., to England. Compare Dadabhai Naoroji, *The Poverty of India*, pp. 30—39.

¹ Chaucer's merchant had great skill in this business. See the *Prologue*.

charge not only the *cambium minutum*, but in addition to make a charge for the actual transport of the precious metals which it was supposed must sometime or other take place between the two houses: this larger charge was the *cambium reale*; and this too was not condemned by the Church, as it appeared to be a real payment for work done. To their functions as exchangers, these dealers added that of transmitting coins¹.

But all this opened opportunities for money lending, under the colour of commercial transactions; it was as impossible to distinguish the one from the other as the 'real' from the 'fictitious' bill². Coins could be advanced to a necessitous man to be repaid by him to the lender, but according to the currency of a different place: or a bill of exchange on a distant part might be given him, which he subsequently cashed in the place of issue, after paying for a wholly imaginary double transport (*cambium* and *recambium*). This was lending money on interest, and was unhesitatingly condemned; but such transactions could hardly be brought to light or punished while the exchange business, which was regarded as legitimate, was still carried on. Altogether dealing in coins was a most profitable business; so that in the fourteenth century, and possibly earlier, those who had hoards were glad to deposit them with Causini,

¹ The trade of transmitting coins for the sake of obtaining profit was regarded with great suspicion by government. See several statutes below, p. 167. Compare also 14 Richard II. c. 2, where the Pope's Merchants are enjoined to buy and export English goods to the amount of the sum taken out of the realm. These statutes have chiefly reference to the preservation of English coin: for the view taken of the trade by those who thought the transmission of coin reduced the permanent treasure of the country, see below, on Malynes, pp. 312, 313.

² Goschen, *Foreign Exchanges*, 37.

in order to have a share in the profits of their unlawful trade¹.

*Effects of
this drain*

Contemporaries believed that the effect of the papal taxation was to drain the country of silver; arguing from modern times we should be inclined to believe that the imports from Italy into England would be seriously diminished, and the debt thus discharged without the actual transport of silver; but this implies the recognition of silver as the embodiment of valuableness²; whereas we find rulers then treating of coins as a special commodity. If the chief houses in Italy had very large sums of money they might be able to honour the letters of credit issued by their branch houses and to count on the return of the coins into their coffers in the ordinary course of their Italian business. Transport of bullion would, under such circumstances, be unnecessary; but a vast amassing of treasure would go on in the hands of the English agents.

*or monopolising of
currency*

This subject has an additional historical interest, as the facts of the time furnish a valuable instance of the evils which rose from ignoring the *political*—not the commercial—maxims which were the foundation of the Mercantile System in the seventeenth century³. For merchants to export, or to amass in their own coffers, the current coin of the realm, could not be regarded as a light matter; for when the cur-

¹ An admirable account of the growth of this exchange business and of the various subterfuges by which the condemnation of usury was evaded, is given by W. Endemann, pp. 94—114. The immediately preceding pages contain an interesting analysis of several specimens of very early bills of exchange.

² On changes in the common estimation of money, see below, p. 248.

³ See below, p. 305.

rency of the country was amassed by these merchants there was less in circulation, trade throughout the country was hampered, and it was impossible for the king to form a *treasure*. His subjects had not coinage with which to pay his taxes, and he had no means of replenishing his coffers, except by borrowing recklessly from the men who had monopolised the somewhat limited currency of the country. But for the king to have no hoard at his command was a grave political danger.

The precious metals are the kind of wealth which are least perishable, and which contain the greatest value in the smallest compass; they are therefore invaluable as forming a fund for special emergencies. To form and maintain such a fund, giving as it did the direct command of mercenary troops, was an important part of royal policy in mediaeval times: it was by seizing the treasure that Henry I. secured himself on the throne; and again at the battle of Bosworth Field the treasure chest appears at one of the turning-points of English History. It is abundantly clear from the history of Henry III. that he had no such resources to fall back upon; partly, doubtless, from his own inability to manage his resources, but partly it may be believed from the actual scarcity of the precious metals, owing to their being absorbed in the hands of foreign merchants.

§ 39. Attention has already been called to the forms of taxation which existed under the first Norman kings: they formed the chief sources on which Henry III. depended. But he had also had an example of the taxation of moveables, in Henry II.'s Saladin tithe¹. This was a tithe granted for assisting in the recovery of Jerusalem,

*on the
treasure*

of the king.

A.D. 1100.

A.D. 1485.

*Royal
Taxation,
A.D. 1188.*

¹ Stubbs, *Select Charters*, p. 159.

and assessed by sworn inquest of all the goods, with some few exceptions, of all men except crusaders. In the reign of Henry III. we find the old taxes on the land, and taxes on moveables as well,—the wool of the Cistercians being the article chiefly coveted. It is stated by chroniclers that this king's revenue was about 20,000 marks; the extraordinary aids granted have been calculated as averaging about 8,000 annually in addition¹. This was considerably less than the revenue of the earlier Norman kings, as may be seen at a glance from the illustrative diagram in Appendix IV. But during this reign, the country was paying some 60,000 marks annually to the papal see, so that the total amount of taxation was excessive.

its amount,

incidence,

At the same time we cannot suppose that the burden was felt seriously by the various classes of agricultural labourers; they were tenants who had compounded at a definite rate for their share of the regular taxes; and though Flambard succeeded in extorting aids and other occasional payments from the tenants-in-chief, it may be doubted whether they were able to reimburse themselves at the expense of the villains, boors or cotters. It was on the tenants-in-chief that the burdens fell, and the scarcity of money, due to the exactions of the pope, would render it more difficult for them to pay their taxes, even when they could afford to do it. It was only a natural reprisal that made them endeavour to arrogate to themselves royal rights on forest or waste and royal jurisdiction, and even to dare to alienate what really belonged to the king. The barons were the class who suffered most, and the barons had both the power and opportunity to recoup themselves in this way.

*and oppressive-
ness.*

¹ Pearson, *op. cit.*, II. App. p. 213.

The great landholders were also galled by the papal taxation, in so far as it affected rights of presentation, and it was in many cases¹ bitterly re-
Papal burdens on the nobles and clergy.
sented; but the clergy suffered chiefly from its pressure. From the bitter expressions with which Matthew Paris inveighs against the pope's merchants, we may gather that many of the monasteries and bishops had been compelled to borrow money: the payment of papal taxation was one call which they were tempted to meet in this way; especially as the merchants who transmitted the payments would be only too glad to suggest some of those pecuniary transactions by which they personally profited most. Jocelyn of Brakelond gives a sad picture of the indebtedness of a great house²: a general bankruptcy had apparently overtaken many of the foundations at the time of their dissolution. If this was partly due to extravagance in building and decorating their churches, the pressure of papal taxation must have in no small degree contributed to their difficulties.

Indebtedness of monasteries,

The only monastic communities that seem to have been really flourishing during the thirteenth century, were the Cistercian houses. More ascetic than other monks in their modes of life, and caring less for costly accessories in their worship, they had settled in sparsely inhabited regions where they devoted their hours of industry to
except those of Cistercians.

¹ The figure for the royal revenue seems small: at the same time there can be no doubt that the sources of royal revenue were diminished when Edward the First found it so necessary to enquire about them. This is neglected by Mr Pearson in the elaborate calculation in which he estimates the royal revenue as larger than it was supposed to be by contemporaries. *England during Early and Middle Ages*, 11. 199, and App. A.

² *Chronicle of Bury*, p. 2.

the keeping of sheep¹. Each of their houses was subordinate to the grand chapter of the order which met abroad. Without the consent of this chapter they could not alienate the goods of the order, and they were thus less liable to royal extortions than the members of other houses.

*Pressure of
taxation in
towns,*

*and on
traders.*

*Misery of
the poor in
towns.*

The effects of the pressure of taxation, whether royal or papal, would also be felt very severely in the towns. The occasional aids, like tallages, would be a great burden to traders who were not hoarding their wealth, but had invested it in goods which they were trying to sell; while they felt the inconvenience of heavy tolls², even when they could recoup themselves for this outlay. Still more onerous would the tithe of their moveables be, for their moveables were their whole stock, not as in the case of landed gentry a surplus, or at most a portion of the resources they had stored for increasing their wealth. In the time of Edward III.³ the goods of those who lived by their stock were excluded from the taxation; but it is not clear that this exemption had been made in earlier reigns. Even if this was allowed, the impoverishment of the landed gentry and monastic churches must have implied a great falling off in the demand for goods of all kinds, and a consequent depression of trade of a most serious character. We have direct evidence of the misery in the towns; the existence of a large suffering and outcast population, stricken with the diseases bred of squalor and want, called forth one of the most noble missionary efforts the world has ever seen. It was indeed a divine enthusiasm

¹ M. E. C. Walcott, *English Minsters*, II. 15, 19.

² For the tolls levied at Ipswich as the 'custom of the key,' see *Domesday of Ipswich in Black Book of the Admiralty*, II. 185.

³ Introduction, *Inquisitiones Nonarum*.

for humanity which inspired the first Franciscans, who made themselves sharers in all the misery and loathsomeness of mediaeval slums, if by any means they might save some. Among degraded outcasts and perishing lepers the grey friars built their churches¹ and made their homes.

§ 40. The aggregation of masses of the poor in the large cities was partly due to the form in which charity had been bestowed for many ages. The Christian duty of giving to the poor was insisted on by S. Gregory in his first instructions to S. Augustine, and it was again and again put forward by other bishops in their charges to their clergy. At length when the Church was regularly endowed, instead of being dependent on occasional offerings, a definite proportion of the tithes was assigned to the maintenance of the poor.

The administration of this fund² was chiefly in the hands of the clergy of the cathedral church of each diocese. The parish priests were not left without some means of relieving poverty, but the largest doles took place in the cities, and therefore to the cities the destitute flocked.

The social system then in vogue, the manner in which every one was attached to some locality and lost his social status if he left it, and the claim to his services which could be put forward by the local magnate, would effectually prevent any able-bodied man from tramping the country or presenting himself as a recipient for relief. And thus, though the provision for the poor

¹ J. S. Brewer's introduction to the *Monumenta Franciscana*, pp. xvii—xxii.

² We occasionally hear of other funds for the relief of the poor which were not administered by the Clergy at all. Kemble, *op. cit.* II. 510.

at parish, cathedral, and monastic churches was very large, there was no room for the growth of a pauper class in rural districts; or anywhere else than in towns, where the manorial rights and claims could not be enforced.

Though its charity may not have been always beneficial, the influence of the Church was certainly directed to striking a blow at the real cause of pauperism, in so far as it lies in an increase of population, unaccompanied by a corresponding increase of the means of subsistence. The duty of diligent labour was put forward on the one hand; and on the other, the large number of celibate communities—even at times when the marriage of the secular clergy was permitted—cannot have been without marked effects; while the inculcation of continence in married life as a duty to be practised at stated times and an excellence to be constantly aimed at, shewed a practical sense which contrasts favourably with the efforts of modern legislative wisdom¹.

Serfs and
A.D. 681.

emancipa-
tion.

A further difference between town and country in this matter was due to the fact that a road for advance lay open in the country, but was closed to the poor population of towns. The criminal or thriftless man became a serf², but the serf might attain to a position of freedom. From the days when Wilfrid emancipated the serfs at Selsey we find the influence of the Church working in this direction. It was not only that the Sunday and festival rest made the lot of the labourer lighter; but there was a constant pressure exercised in the direction of emancipation. The more usual form of conferring this freedom was a religious service at the altar; and wills³, in the making of which clerical

¹ Mill, *Political Economy*, II. II, § 4.

² Kemble, *op. cit.*, II.; also Thorpe, *op. cit.*, 152.

³ A section of Mr Thorpe's collection of Charters, &c., is

influence would be strongly felt, often contain general or partial emancipatory clauses. In these times, too, emancipation was a real work of charity, involving as it often did the making of some provision for the freedman to maintain himself. If he was not a serf, whose rations his master had to find, then he must be established in the position of a self-supporting tenant. Unfortunately the large religious foundations did not follow the example of the first bishop of the South Saxons; and perhaps, under a mistaken sense of inability to alienate property that had been dedicated to God, did not, generally speaking, emancipate the serfs on their own estates. Thus it came about that when the time was ripe for a revolution in these social relations, the estates of the Church were those that were least prepared for the new conditions of rural life¹.

From these various points of view we can see that there were ample means everywhere of providing for the destitute poor, while there was little room for the growth of a pauper class in the rural districts, though there were no similar checks in the towns. In them pauperism did increase; nor would this be much checked by the frequent foundations for the relief of the sick poor which we find from an early time.

Poor in towns
and charitable foundations.

devoted to manumissions, pp. 621—651. For freedom granted in wills, "let all the men be freed," p. 515; also, 535, 557.

¹ See below, p. 260.

III.

THE STATE AND ITS ECONOMY.

I.

EARLY LEGISLATION.

41. Representation and Legislation. 42. Edward I. and facilities for trade. 43. Aims of Edward III.'s Legislation. 44. Success of Edward III.'s Legislation. 45. Reasonable Wages and Competition. 46. The Rising of the Villains.

*National
feeling.*

§ 41. THE failure of papal interference to secure good government by the king, led to the conviction on the part of the barons and burgesses that they must rely on themselves. The severance from Normandy was producing its natural result, in localising the interests of the two classes, for both became equally concerned in seeing that there should be good government in England, and neither had much interest in the royal schemes of conquest abroad. We see something similar too in the appeal of the clergy to the history of their Church as lending no countenance to the avaricious demands of the Pope: Englishmen were awaking to a consciousness that they were English, and to a desire to be governed in accord-

ance with English interests and English notions of what was right and fair.

The importance of this change cannot be overestimated: there was a time when the baron with estates in England had far more interest in the success of barons' wars abroad, than in urban struggles for good law at home; when the burgess of one town was far more concerned in the trade arrangements of Flemish than of any English town but his own; when the leading ecclesiastics felt themselves members of a great cosmopolitan corporation, and out of sympathy with all the special concerns of the land where they happened to live. But the reign of Henry III., and still more that of Edward I., shews us some steps in the consolidation of these separate classes into a united nation. If the beginning of a true parliament when all these classes were represented was by far the most important result of this new national spirit, there were also most interesting symptoms of its exercise in connexion with economic affairs. We have for the first time what we may call a *political* economy. Hitherto we have had village and manorial economy, or we have seen municipal and market privileges conferred on the burgesses of particular towns; but we are now to see signs of the industry and commerce of the realm being dealt with as one whole. *Political economy.*

It is most fortunate too that we possess very complete records in regard to this transition period. When Edward I. returned to England and assumed the reins of government he found that the royal rights had suffered most serious encroachments and that royal lands had been appropriated, to the very severe loss of the crown¹. One of his first acts was to send commissioners

¹ *Annals of Winchester*, 119.

*Hundred
Rolls.*

charged with enquiring into the royal lands and royal rights in each shire¹; an inquisition which was conducted in very much the same way as that of the Conqueror had been. Extracts from the inquisition then made, which have special reference to the usurpation of jurisdiction and other royal rights and possessions, exist for all the counties of England. The *Hundred Rolls* in their full shape unfortunately survive for seven counties only, but they contain a most extraordinary mass of information, very much more detailed than that which is given in the Domesday survey; they afford us a most curious insight into the life of the time, and enable us to estimate the progress of the country since the earlier record. The most striking result of a comparison is the evident increase of population, while the minute descriptions of the towns are very instructive.

*Crown
Rights
1278.*

The king's next step was to make special provision in the Statute of Gloucester for the speedy righting of the wrongs that had been done. Judicial proceedings were to be at once taken in all cases when the men of the hundred did not know by what title (*quo warranto*) some petty oppressor claimed to exercise rights of jurisdiction, or to take tolls and avoid paying them. Edward's reassertion of the claims of the crown was a vindication of the rights of the people. The barons suffered at the hands of the King and the Pope, and they recouped themselves by oppressing their tenants and the traders; so long as the rights of jurisdiction were in their hands, there was no possibility of redress. Very careful too were the enquiries as to oppressions of which the royal officers² or bailiffs might have been guilty, and

¹ For the articles of Inquiry see *Hundred Rolls*, introduction, p. 13.

² The men of almost every hundred in Cambridgeshire complain

doubtless more speedy punishment was meted out to these offenders. The records of the whole proceedings give us a most startling picture of English society at the time when Edward I. was called to rule the realm. Edward set himself steadily to redress the grievances of the poor¹ by staunchly maintaining the rights of the crown. How closely these two were connected may be most clearly seen in the story of the disafforesting dispute, when by a readjustment of boundaries, much of the crown forest was given over to great barons. The nobles gained somewhat at the expense of the crown, and the position of the poorer tenants on land that thus changed hands was so much altered for the worse that their case needed special attention in the *Ordinance of the Forest*², A.D. 1306. by which their rights of pasture and common were restored.

But it is the glory of Edward that he not only set himself to redress the wrongs that had grown up under his father's misrule, or with the connivance of his officers, but also took important steps towards so reconstituting our social system that these grievances should not arise again. The disorder of the realm was very largely due to the immense number of local privileges and special

of Roger of Estra who, when the bridge had been carried away by a flood, took a tax of 2s. and afterwards of 6d. a hide on pretence he was going to build a stone one; but he only built a wooden one after all. Then the men of the town report he was more than seven weeks in doing it, and all that time provided a barge to ferry them across, for which accommodation he charged an exorbitant fare. These facts were recorded in the extract for immediate royal attention. *Hundred Rolls*, I. 54, 55.

¹ For a picture of these, see the Husbandman's Song (date of Edward I. or II.) in Wright's *Political Songs* (Camden Soc.), p. 149.

² *Statutes of the Realm*, I. p. 147. See also *Greatest of the Plantagenets*, 344.

immunities; vested interests of all sorts stood in the way of enforcing uniform regulations throughout the whole country; while the special jurisdictions and special exemptions seriously affected both the security and the profitableness of internal trade¹. Till this time there had been no sufficient general regulation for the whole realm, and charters promising good government and general protection had been but badly observed; every corporation religious or municipal, and almost every village, had its own special privileges. The men of Cambridge² took tolls from all men coming to their market and fair. The lord of Milton³ claimed immunity from all tolls for his

¹ A curious example of the possible effect of these local jurisdictions is found in the First Statute of Westminster (1275) c. 23. At one time it had been the practice for the burgesses of a town to attempt to recover the debts which a stranger might have incurred among them by impounding the goods of the next stranger who hailed from the same district, and who might therefore be able to recoup himself. This primitive justice was to cease finally in regard to Englishmen: no foreign person (that is, one who was not free of the town he visited) which is of this realm was to be distrained for any debts but his own in any city, burgh, town, market or fair. "Purvue est ensement, que en Cite, Burg, Vile, Feire, Marche ne soit nul homme forein, que seit de cest reaume, destreint pur dette, dont il ne seit dettur ou plegge." *Statutes*, I. 33.

² *Hundred Rolls*, II. p. 391.

³ *Ibid.* II. p. 452. This entry is worth notice for purposes of comparison with Domesday. The land was held by John Strange, a knight who had two fees there, but paid certain charges to the Bishop of Ely, who was the tenant in chief. Sir John Strange had the view of Frank pledge and the Assize of bread and beer of old time, and rights of warren within his own land, and claimed as noted above exemption for tolls for himself and his men: "sed nescitur quo warranto." The fishery was worth 20/ as against 650 eels and 12 pence: eels were sold by the stich of 25, but Rogers (*History of Prices*, II. 551 p.) quotes prices varying from 3d. to 2/ the stich, so that it is impossible to say whether the fishery had

tenants, but with no very good authority; and so throughout the whole country, each place had its own privileges; even foreign merchants were provided for, not so much by general regulations, as by special privileges conferred on the 'men of the Emperor' or the traders from a special continental town.

One of the principal matters about which inquisition was made was the right of holding markets and fairs: *Fairs* this, intimately connected as it was with royal taxation, was a right that could only be conferred by royal grant: in many cases however this right had been assumed by those who had bought land on which fairs had usually been held, and who were thus taking tolls from the merchants which should in fairness have gone to the king. Much curious information has been preserved as the

improved or not. But the number of tenants had increased: there were then in all 31 villains—in the wide sense of the word; there were now eighteen free tenants, and fifty-two villains: the value of all their payments amounted to more than £23, so that the annual worth of the estate had doubled or trebled; while the villains owed besides 1874 uncommuted services and paid more than 100 capons and 60 gallons of ale; but the holdings were many of them so small that the tenants must have had industries or worked as labourers besides. Most of the villains paid a rent and some services; the precise kind of service is not stated, but a rough reckoning is kept by stating its money price, and some of the free tenants had only recently commuted all their services, as it is said that they paid so much for their services.

About 730 acres were under cultivation as arable land or gardens. We have no exact means of comparing the stock with that which is enumerated in Domesday: but according to the *Inquisitiones Nonarum* of Edward III. the tithe of the *sheaves, fleeces and lambs* was worth £10. 6. 8: the place had been assessed at £18. 12. 4, but not nearly so much could be obtained: of course these figures do not give us any means of distinguishing arable produce and that from the flock, or instituting a comparison as to the total produce at the two periods.

in Cam-
bridge.

result of this enquiry. In Cambridge there were four annual fairs, one belonging to the Prior of Barnwell, held for four days from the Vigil of S. John the Baptist¹ and now surviving in Midsummer fair, for this he paid a mark of silver; another, which existed in the present century as Garlic fair, belonged to the Prioress and nuns of S. Rhadegund, and lasted for two days from the feast of the Assumption of the Virgin²; a third, belonging to the Master of the Lepers' Hospital³, was held on Holy Cross Vigil and Day, and survives in Stourbridge fair: the fourth belonged to the burgesses and was held on the Rogation Days⁴. By far the greater part of the commerce of the country was carried on at such fairs, and Stourbridge fair was one of the most important in the whole kingdom, rivalling it was said the great fair of Nijni Novgorod as a gathering of world-wide fame⁵.

Repre-
sentation
and
Statutes.

Edward did not attack these local privileges, but he rendered them unnecessary by making a serious attempt to provide for the good government of the country as a whole; former monarchs had permitted the men of this town or that to manage the affairs of the place where they lived, but Edward called on his subjects to assist him in making wise statutes for the realm. When the representatives of the people met to provide for the common good of all, there was less need for procuring or perpetuating local immunities and privileges. A similar change

¹ By grant from King John, *Hundred Rolls*, II. 358.

² By grant from King Stephen, *Hundred Rolls*, II. 359.

³ By grant from King John, *Hundred Rolls*, II. 360.

⁴ Secured by various grants. *Hundred Rolls*, II. 391.

⁵ In the eighteenth century, it continued to be a most important mart for all sorts of manufactured goods, as well as for horses, wool and hops. See Daniel de Foe's most interesting account, *Tour* (1724), I. 91.

may be found in the taxation of the country, as till the time of Edward I. each class is taxed on different principles, and to a great extent at different times. One year a tallage was taken from the towns, another an aid was demanded from the barons; while so far as the regular taxes went, exemptions were enjoyed by the holders of lands of ancient domain, and by those to whom immunity from tolls had been granted by any one of the long line of previous kings. By the formation of a parliament where all classes were represented a long step was taken towards the levying of taxes generally throughout the whole kingdom, instead of making special arrangements for each locality and for each class in the community. A comparison of the modes of raising money adopted by Henry III. and Edward III. respectively brings out this contrast clearly¹. Church property was separately dealt with for long, and the great schedule of the ecclesiastical wealth² of the country which had been made for the sake of Pope Nicholas' taxation in 1253, served as the basis of much of Edward's, and was adopted by future monarchs.

§ 42. Almost every one of the statutes which date from the time of Edward I. has some clause or other which has a direct bearing on economical matters. This may perhaps be most clearly seen if we distinguish those enactments which afforded better conditions for commerce, from those of which the object was to bring the

¹ Compare the accounts of each given by Mr Pearson (*op. cit.*, II. p. 208) and Mr Longman (*op. cit.*, II. 278, 281) respectively.

² *Taxatio Ecclesiastica*: Edward received tithes by papal grant during his crusade: in the accounts (*Inquisitiones Nonarum*) of the ninth fleece and lamb which was granted to Edward III. the difference between the amount received and that due according to Pope Nicholas' Valor is always accounted for.

whole resources of the nation more immediately under royal control.

Royal

control.

A.D. 1279.

A.D. 1290.

Of the latter kind were the *quo warranto* proceedings, by which the neglected rights of the crown were once more enforced, and the statutes *de viris religiosis* and *quia emptores*¹, by which the further increase of the Church lands to the disadvantage of the crown under colourable pretexts was stopped: only immunities and exemptions, for which a clear case could be made out, were to be permitted; while the area of the lands, the produce of which went to supply the papal taxation, was not to be increased. A still more decided attack was made in 1300 on the English monasteries belonging to foreign orders: the Cluniacs had sent large sums to the chapter abroad, the Cistercians had made their position as branches of a foreign order an excuse for refusing to contribute to royal taxes; but now all these evasions were to come to an end.

*Conditions
of com-
merce.*

A.D. 1285.

Far less sweeping, but not less important, were the statutes which facilitated the conduct of trade. Some enactments were intended to improve the physical conditions of commerce; as, for example, were the clauses in the Statute of Winchester which provided for safety in the towns and while travelling. "And for more Surety of the Country the King hath commanded, that in great towns, being walled, the Gates shall be closed from the Sunsetting until the Sunrising; and that no man do lodge in suburbs nor in any place out of the Town, from nine of the Clock until Day, without his Host will answer for him. * * And further, it is commanded, That Highways leading from one Market Town to another shall be enlarged, whereas Bushes, Woods or Dykes be, so that there be neither Dyke nor Bush, whereby a man may

¹ *Statutes*, I. pp. 51 and 106, also p. 118 (25 Ed. I. c. 36).

lurk to do hurt, within two hundred foot of the one side and two hundred foot on the other side of the way¹."

The first statute of Edward's reign shewed his care for traders, both native and foreign, in another way. Legal effect was given to the old custom that when a ship was stranded, it should not be accounted a wreck, if a man, cat, or dog, escaped alive from it. The cargo was to be kept by the royal bailiff, and those to whom it belonged might have the whole restored to them on laying a claim, within a year and a day; and this was to hold good whether the rights to wreckage belonged to the king or to a subject². Wrecks.
A.D. 1275.

There is also a series of enactments dealing with the coinage of the country; in particular a statute entitled³ *de falsa moneta* was promulgated, with the view of preventing the deterioration of English coinage by the introduction of counterfeit 'sterlings' or of bad foreign coins. Only good silver was to be received, and no good silver was to be sent out: for this purpose an exchange table was established at Dover, and warders were appointed in all other ports to see to the matter; yet a few months later a new enactment was required, as it was found that the English merchants received 'pollards' and 'crockets' as well as sterlings for their goods. It is important to observe that these regulations have direct reference to the subject of coinage: the coins were not treated as objects of value, far less as the sole objects of value. The king seems not to be aiming at increasing the treasure in the country, but only at maintaining the excellence of the English currency. Apparently Edward's regulations were not Coinage.
A.D. 1299.

¹ Statute of Winchester, c. 4, 5. *Statutes*, I. 97.

² First Statute of Westminster, c. 4. *Statutes*, I. p. 28.

³ *Statutes*, I. p. 131, published May 15th, and further enforced by a letter of August 23rd, 1299.

wholly successful, and he felt himself impelled to depreciate the English coinage slightly to bring it more near to the foreign which he could not exclude and which was circulating along with it¹.

Debts.

A.D. 1283.

The statute *de Mercatoribus*² was intended to assist merchants in the recovery of their debts and thus to encourage them to trade in this country. When they supplied goods and the debt was acknowledged before royal officers in specified towns, they could be empowered under the king's seal to distrain for debt in the default of payment. At Acton Burnel this new scheme was determined on, for trial in London, York, and Bristol; and

A.D. 1285.

after two years it was decreed³ that it should be brought into much more extensive operation by giving similar facilities in many other places, especially in fairs, and empowering a much greater number of royal officers to act in the matter. These privileges were not limited to men from particular towns or countries: all foreign merchants could avail themselves of these advantages, unless in time of war with their native land⁴.

¹ Edward III. brought down the standard by issuing coins which were to have a certain international currency. See below, p. 187.

² *Statutes of the Realm*, I. p. 53. Very similar privileges had been given by the town of Ipswich to foreign merchants, and doubtless by other towns with large trade. *Black Book of Admiralty*, II. 115.

³ *Statutum mercatorum*. *Ibid.* I. p. 98: Queen Elizabeth made provision in a charter of 1582 for the carrying out of the Statute of Acton Burnel in Newcastle. Gardiner, *Grievances*, p. 29.

⁴ Omnes mercatores, nisi publice antea prohibiti fuerint, habeant saluum et securum conductum exire de Anglia, et venire in Angliam et morari et ire per Angliam tam per terram quam per aquam, ad emendum et vendendum, sine omnibus tollis malis per antiquas et rectas consuetudines, praeterquam in tempore guerre; et si sint de terra contra nos guerrina, et tales inueniantur in terra nostra in prin-

There are also many enactments of minor interest *Police*. which were mostly affairs of police or attempts to promote fair dealing. Very curious are the *Statuta Civitatis Londini* with the regulations for taverns and for securing good order in the town¹. Care is taken that the levying of taxes should not interfere with production: the villain is not to be amerced on his team (*wainagium*), nor the merchant on his merchandise when a tax is levied on moveables²; tenants are not to be distrained till they are heard before justices³. There was some attempt too to protect the general public: those who had the right of taking tolls were not to take excessive tolls⁴; and the craft of goldsmiths, who had special opportunities of gaining at the expense of those who gave them metal to work into vessels or ornaments, was submitted to special legislation enforcing the authority of the wardens of their gild⁵.

cipio guerre attachientur sine dampno corporum ve rerum donec sciatur a nobis vel a capitali Justiciario nostro quomodo mercatores terrae nostrae tractentur, qui tunc inveniantur in terra illa contra nos guerrina, et si nostri salvi sint ibi, alii salvi sint in terra nostra. 25 Ed. I. Magna Carta, c. 30. *Statutes*, I. 117.

¹ *Statutes*, I. p. 100. It was necessary that a known citizen should be responsible for the good behaviour of everyone living in the town, so that everyone might live under the eye of a respectable man who was responsible for his behaviour. On this account it was ordained that no one but a freeman of the city might keep a hostelry or inn.

² Great Charter of Liberties of England. *Statutes*, p. 114, c. 14.

³ *Ibid.* c. 29.

⁴ First Statute of Westminster, c. 31. *Statutes*, I. p. 34.

⁵ 28 Ed. I. c. 24.

Ordene est qe nul Orfeure Dengleterre ne daillours de la seigneurie le Roi ne overe ne face de ci en avant nule manere de vessele de Joiaus, nautre chose dor ne dargent qe ne seit de bon et de verrai alai; Cest assavoir or de certeine tuche, et argent de alay de

*Trade thus
rendered
more free*

To criticise such legislation as interfering with the freedom of trade would be to entirely misapprehend the state of the times. Unregulated trade was not to be thought of, as we shall see when we come to consider more closely the nature of the evils provided against, in this legislation and that of Edward III. To substitute for the special customs and privileges of each locality general regulations for the kingdom was a great advance: local immunities created local jealousies, and in later history we see how each town and locality was tempted to demand protection and support against neighbouring communities. Writers who denounce the mistake of protecting English against foreign industry, have forgotten that our country once suffered from the still greater evil of protecting one locality or one market against others in the same shire, and that by substituting general regulations for the bye-laws of each locality, Edward was really freeing trade. The statutes of Edward I. mark the first attempt to deal with industry and trade as a public matter which concerned the whole state, not as the particular affair of the leading men in each separate locality. We have already noted the high development of the Scottish burghs at the commencement of Edward's reign; they never, however, took this most important step, for in the northern kingdom trade was managed

*than in
Scotland or*

le esterling, ou de meilleur alay solunc la volente de celui a qui les ovres sont; Et qe nul ne ove pir argent qe moneie, e qe nul manere de vessele de argent ne parte hors des mein as overers, tant qe ell soit assaie par les gardeins du mester e qe ele soit signee de une teste de leopart; qe nul ne overe pir or qe tuche de Parys; e qe les gardeins du mestere aillent de shope en shope entre les ouvriers, assaiant qe lor soit tiele come le tuche avant dete, et sil travent nul pir qe la tuche qe lovere soit forfet au Roy. *Statutes of Realm*, I. 140.

not as an affair of state but as the business of traders who met in their own convention and strove to maintain their local privileges and immunities against all rivals. In Germany trade was only in the present century freed *Germany.* from the same sort of disadvantages as those which the first Edward did so much to remove in our own land.

§ 43. Very many of the statutes of Edward II. and Edward III. had some reference either to internal or foreign trade. It is hardly worth while to enumerate the statutes which went on lines precisely similar to those we have already noted, and which dealt with the freedom of foreigners¹, with the coinage of the kingdom², and with the usurped right of trading to the detriment of the king³. We must look at others somewhat closely in order to understand the meaning of the enactments, before we attempt to judge of their character. It is very interesting to notice the signs of legislation which implied definite principles in regard to the management of trade: what strikes us is the anxiety of the authors *to promote the good conduct of trade.* of these statutes, as compared with modern legislation, that trade should be in the widest sense of the word *well conducted.*

The aim of most of the directly commercial legislation was not so much to increase trade, as to see that it

¹ 9 Ed. III. (1.) c. 1. *Statutes*, I. p. 270.

² 9 Ed. III. (11.) c. 1. 3, *Statutes*, I. p. 273.

³ One of the most common forms of usurping rights was for the owners of fairs to keep the fair open for more days than they were permitted by their charters; the owner of the fair thus procured more tolls than he had any right to and defrauded the king—or some other proprietor of tolls—on transactions that might have taken place elsewhere. The owner was compelled to proclaim the duration of the fair at its opening (Statute of Northampton, c. 15, *Statutes*, I. p. 260), and merchants were punished who kept their booths open too long. (5 Ed. III. c. 5, *Statutes*, I. p. 263.)

*Reasonable
prices,*

*how calcu-
lated.*

A.D. 1330.

Gilds.

was honestly carried on, and many of the statutes were intended to operate in favour of *fair prices*. We habitually speak of prices being determined by competition; but after all competition is only the mechanism by which the price is reached, since the price of most commodities of general demand is closely related to the cost of obtaining the materials, together with the remuneration of the labourer in accordance with the standard of living of his class. There is nothing inherently absurd in attempting to estimate the necessary cost and fair remuneration of producing an ordinary manufactured article, instead of being satisfied to let the price be reached by the higgling of the market; and a great deal may be said in favour of this attempt so long as, owing to the social and physical conditions of a country, competition is necessarily very imperfect¹. In a simple state of society where you have not very many grades of labourers it must have been easier to estimate a fair remuneration than it would be now²; and so we hear of *reasonable wages*, and *reasonable prices*. In regard to the passage *A.D. 1330.* between Dover and Calais, there was a statutable limit of what was reasonable—two shillings for a horse and man, sixpence for a man on foot³. So too wines were to be sold at a reasonable rate, after taking account of the cost as imported and the distance they had to be carried to any town from a seaport⁴. The whole system of town-gilds and craft-gilds might be roughly described as a network of organisations for estimating what was reasonable⁵.

¹ On competition and reasonable prices see below, p. 243.

² See however, below, p. 419.

³ 4th Ed. III. c. 8. *Statutes*, I. p. 263. .

⁴ *Ibid.* c. 17.

⁵ Compare the Assize of Bread (see Appendix, II.), which

in each department of industry and trade. We might possibly translate the idea into modern economic phraseology by saying that they tried to arrange for each article being sold at the *normal* price, without the variations which may arise from accidental circumstances.

But most of all the authorities desired to discourage speculative trading: the speculative trader obtained profits which were not due to any labour on his part, and this, according to the simple morality of an unenlightened age, was wrong. The gains of these speculators were made apparently at the expense of consumers who would otherwise have been as well served and at lower rates. A mode of dealing which was thus obnoxious to public feeling, while it might lead to an evading of royal or burgh dues, was strongly denounced in many customs and statutes; there was of course most temptation to have recourse to it in regard to commodities which, being natural products, were obtained in different quantities in each year, and for which no regular price could be assigned. Such in particular were corn, wool, and fish; *forestallers* and *engrossers*¹ would make bargains with the country folk and fishermen before they brought their goods to market, and thus buy at an advantage instead of making their purchases

*Speculative
dealing,
and*

*middle-
men.*

attempts to provide that bread should always be sold at a fair price to the consumer and a sufficient profit to the baker.

¹ Legal definitions of these terms were given in 5 and 6 Ed. VI. 14. Their substance is as follows: *Forestallers* are persons buying Goods or Victuals on their way to a Market or Port; or contracting to buy the same before actually brought for Sale, or endeavouring to enhance the Price or prevent the Supply. *Regrators* are persons buying Corn, Victuals, &c., and reselling them in the same Market Place, or within Four Miles thereof. *Engrossers* are persons buying Corn growing, or buying Corn or Victuals to sell again. *Statutes*, iv. i. p. 148.

fairly in open market. For articles of which the price could only be arranged when the whole quantity supplied was really known, it was considered desirable that the competition should be really free, and that all parties should meet on equal terms; while the engrosser apparently bought at a ruinously low figure from the *producer*, and sold very dear to the *consumer*, thus making a profit at the expense of both.

*Import-
ance and*

Not only did the legislature desire that trade should be honest, but that the traders should be able to pursue their calling safely. This care for traders did not arise from any very precise theory as to the value of trade in itself. Trade was the means by which many subjects lived, and it was the part of a good king to attend to the weal of his people in this as in other respects; but it was also a matter of royal concern because of the customs it yielded, and if there was a large trade, a great deal of revenue could be gathered from tolls. If then any direct intervention of the king's, or any speculations of the king's, seemed likely to bring him a larger immediate gain, he had no scruple in interfering with the general course of trade for such a purpose. For the rest, we can recognise a sort of feeling that the enterprise of merchants was often carried on at a criminal risk, and that for a man to venture through perils of waters and perils of pirates for the sake of mere pecuniary gain was distinctly immoral. It is a little difficult for us to realise the magnitude of those risks: an English trader might be attacked on his way to Flanders by the Calais pirates¹; and if he escaped the actual

*risks of
Trade.*

¹ Compare Chaucer's Merchant,

"He would the see were keepud for eny thinge
Between Middelburgh and Orewelle."—*Prologue*.

dangers of the crossing he might fall a victim to some mob outrages in the town to which he was bound, and for these he could get no redress ; or he might have his goods distrained on account of debts due from some of his compatriots¹. The statutes which were passed in favour of foreigners by the Edwards give us considerable light on the practice of the times in such matters, while the history of the early years of Edward III. shews us a number of embroglios between English traders and the burgesses of foreign towns².

¹ A tres noble Conseil notre Seignour le Roi monstrent les Comites de Wyrcestre, Salop, Stafford, Hereford, Bristul, et Glouc', que come pluseurs Marchauntz et autres Gentz des ditz Comites travaillent a Caleys ove leur Marchaundies, en profist des ditz Comites et de tout le Roialme ; Queux Marchantz et autres gentz pluseurs foitz sont arestez, ascun foitz pur trespas, ascun foitz pur dettes des autres hommes des ditz Comites : Desqueux trespas et dettes les ditz Marchantz et autres gentz n'ount rien a faire, et pluseurs foitz n'ount conissance de ceux pur queux ils sount arestez. *Rot. Parl.* II. 352.

² The records of the Scotch Burgh Convention are full of interesting illustrations of these points, two centuries later.

In regard to Piracy, these burghs provided at their own expense : Inlykemaner, that it be proponit to my Loird Regentis Grace and Loirdis foirsaidis, in cais the Quenis Majestie of Ingland will grant and consent that sum of her schippis sall remane upovn her sea coistis and watteris for purging of the samyn of pyratie, and vtheris wicked personis, That inlykwayis it may be grantit be his Grace and Loirdis foirsaidis to the merchantis of this realm, upon their commoun chargis to set furth ane ship with ane bark for purging of our Souveranis watteris of the saidis pyratie and wicked personis, and for convoying the shippis of this realme langis the cost of Ingland, and vtheris pairtis needfull, from the danger of innemeis, during sic tyme as we sall fynd gude ; and incais the samyn be grantit, the commissaris of the burrowis foirsaidis gevis thair commissioun and full powar to the provestis, baillies and counsaillis of Edinburgh, Dondye, Abirdene and Sterveling for the said schip and bark to provyde men, meit, munition and all vther furnysingis necessaer thairto, during

*Staple
towns**abolished
in 1328.*

As the best means of meeting these difficulties, the merchants of mediaeval towns favoured the establishment of staples, where arrangements could be made for the protection of merchandise and of traders, and where justice could be obtained in case of any dispute between travelling merchants and native burgesses. His predecessors had confirmed the arrangements made, probably by the guilds of different towns, for the establishment of staples, as centres for foreign trade; but Edward III. disapproved of this commercial policy and enacted in the Statute of Northampton¹ that "all staples beyond the Sea and on this side should cease," and "that all merchants, aliens or privileged, should come and go with their merchandises into England." This policy of permitting trading intercourse in all parts of the realm,

quhat time they sall think gude. (1574), I. p. 27. See also above, p. 130.

The Scotch burghs also had difficulties about the reception with which their merchants met abroad. The King of France had refused to permit any Scotch ship to traffic with his dominions, "bot of sic as bringis with yame the kings modirreis, or his lieutenentis, writings in their favouris;" so ten or twelve honest merchants were sent at the common expense to France to procure the rescinding of this proclamation. (1570), p. 16. The King of Denmark too would only admit merchants who carried royal letters, while the burghs wished that their shippers should only carry articles under the seal of the port from whence they sailed, and desired that the Regent would write that this order had been taken for "the honestie of the liegis of the realme," and that he thought it sufficient. (1574), p. 27.

Difficulties about the jurisdiction in the case of quarrels between Scotch merchants and the citizens of the towns they visited (p. 59), about the charges made by foreign pilots (p. 58), and about alterations in foreign tariffs (p. 18), also demanded the attention of the Convention and of their representatives abroad.

¹ *Statutes*, I. 259.

had not much success; experience seems to have proved that the encouragement of trading concourses was more favourable to commerce¹, for staples within the realm were re-established by statute. So far as the staples beyond the sea were concerned the Statute of Northampton probably remained a dead letter, and English merchants continued to frequent their accustomed marts in the Low countries. Instead of continuing to discourage the establishment of staples, Edward next took the wise course of endeavouring to issue such regulations that staples might be as far as possible beneficial to the whole realm. In the early part of the reign the English staple was held in different Flemish towns: but in 1353 it was determined to hold the English staple A.D. 1353. within the country, at London, Winchester, York and Norwich, and by every possible means to encourage foreign merchants to come to these towns. All sorts of charters were set aside in their favour: and Englishmen were prohibited from trading beyond the sea, either on their own account or as the partners of foreigners. It was hoped that in this way there might be greater facility for collecting the customs, and less loss of English lives and property in the perils of trading. In the statute by which *Ordinance of the Staple.* this was effected we get the most complete account of the objects which the establishment of staple towns was intended to serve. A tribunal² consisting of two Eng- *Merchant tribunals*lishmen, two Lombards and two Flemings, was to be a court of arbitration; and two foreigners were to be associated with the English officials in adjudicating on all matters in dispute, not according to Burgh or com-

¹ See below, p. 185, and note: this policy would also be more convenient for collecting the trade dues.

² Ordinance of the Staple, c. 24. *Statutes*, I. p. 341.