SOME CONFLICTING TENDENCIES IN ENGLISH ADMINISTRATIVE HISTORY DURING THE FOURTEENTH CENTURY

BY

T. F. TOUT, M.A., LITT.D., F.B.A.

PROFESSOR OF HISTORY AND DIRECTOR OF ADVANCED STUDIES IN HISTORY IN THE UNIVERSITY OF MANCHESTER

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SOME CONFLICTING TENDENCIES IN ENGLISH ADMINISTRATIVE HISTORY DURING THE FOURTEENTH CENTURY.[1]

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PROFESSOR OF HISTORY AND DIRECTOR OF ADVANCED STUDIES IN HISTORY IN THE UNIVERSITY OF MANCHESTER.

ENTHUSIASTS for the Middle Ages have often said hard things about the fourteenth century. They have regarded it as a period of declension from the fuller embodiment of the mediæval ideal expressed in its predecessor. However such things may be from some points of view, yet in others there are counterbalancing considerations. In particular we may affirm with confidence that the fourteenth century comes nearer to us moderns in all that concerns the theory and attributes of the state. It is a time when the great states of Europe first recognized in the ideal of nationality a principle justifying their withdrawal from even a theoretical part in that universal monarchy of Christendom, which Dante strove in vain to preach to an indifferent world. Each national state tried to make its authority real by the development of an administrative system of ever-increasing complexity. That same Hundred Years War, which made nations of both France and England, involved special and continued efforts which were beyond the resources of the primitive feudal state. It followed that not only a modern nation, but the modern conception of the state began to emerge from these exertions. The political machinery of the fourteenth century became much more than a simple adaptation of the primitive royal household to the government of the body politic.

Not only had the state to enlarge its resources and finance wars,

[1] This paper is an expansion of a lecture delivered at the John Rylands Library on 14 Feb., 1923. The substance of it in a shortened form was read as a communication to the Fifth International Historical Conference at Brussels on 12 April following.

waged on a larger scale, and with greater continuity of effort, than had been the case with the superficial hostilities of the feudal age. Even in peace times the state acted upon a conception of its functions as wide as that of our own days. There were no Benthamites or Herbert Spencerians in the fourteenth century. If there was anything amiss in society, it was the business of the state to set it right. Mediæval polity was normally monarchical, but if the prince failed to accomplish his task, it was the duty of the magnates of the realm, his natural born councillors, to advise him or to coerce him to do his duty. The administrative result was not different in either case, for the state worked in the same way and through the same machinery, whether it were under monarchical or aristocratic control. Under either conditions there were great armies to be raised, organised and paid for, and a host of officials to be empowered to deal with the innumerable cases where state intervention was necessary. Despite wars, material prosperity followed economic development and raised questions which the state had perforce to grapple with. The state had to see that the profiteers did not charge excessive prices, or set an evil example by flaunting their jewels, furs and luxuries before poorer folk. The state had to see that workmen received reasonable wages, reasonable wages of course being those suggested by the traditions of the good old times. The state had to watch every market, punish monopolists, forestallers and regrattors. It had to see that weights and measures were honest and true, and it had to prevent clipped, false or debased coin from circulating. When the state had done its best to make people good by act of parliament, the church, a rival state within the state, watched with equal meticulousness over the orthodoxy and morals of the plain man. Like the state, the church had its courts to enforce its decisions, and an army of officials of both church and state scattered summonses and citations, admonitions and mandates over the land. Besides the central authorities there were local officers in every manor or franchise, borough or shire, guild or corporation, each vieing with the other in their efforts to govern. Altogether the plain man of the fourteenth century was a much ruled, much regulated man. It was well for his self-respect that the various jurisdictions, which competed to wield him to their will, lost some of their effectiveness because they came into conflict with each other, or because the force behind them was not always sufficient to enable them to carry out their wishes.

The rising tide of nationalism was beginning to threaten the common civilisation of the western world, but had not yet overflooded it. Accordingly any administrative tendency which we find accentuated in one particular country is still likely to have a general repercussion in its neighbour lands. The French and English monarchies, the *curia romana* in its exile on the banks of the Rhone, and many minor authorities were still dealing with analogous problems in not dissimilar ways. Of these efforts the movements in England have been the least investigated, though the materials for their study are extraordinarily complete. For the moment, however, the student of English administration has still to play the part of a pioneer. He has to cut his own paths through the trackless forest of a new world. He finds it hard to see the wood for the trees which obscure his vision. But he is powerfully tempted to clear his mind by attempting some sort of a general survey. The final judgment cannot yet be made, but even a rude sketch may make it easier for others to draw up the more accurate plan that may replace it.

By the fourteenth century English central administration was well under the control of the crown. The king governed the country. He had, of course, to take advice, but the consultative bodies, whether the permanent council of officials, the occasional great councils of magnates or the representative parliaments of barons, prelates and commons, were not executive in a direct sense. They advised the king what to do, but effective action could only be taken by the monarch, whose sealed writs, embodying his commands, were issued by the ministries which were his executive agents. England had since the twelfth century enjoyed the best bureaucracy at the disposal of any secular prince. But its very perfection caused the administrative machine to become less entirely at the disposal of the monarch. Institutions that had arisen out of the primitive household had already begun to go "out of court" and to think as much of the traditions and rules of the office as of the immediate interests of their master. This was notably the case with the exchequer, the English equivalent to the continental chamber, and was becoming also the case with the great administrative office of the chancery. Official precedents were made the most of by the dignified prelates at the head of these departments. Such ministers found themselves more in sympathy with the baronage than with the court, for the baronage was the natural

antagonist of monarchical pretension. Thus the routine, devised to restrain the aristocracy, grew into a check on the arbitrary power of the crown. The king still had a remedy for this within his own household. The household still retained within itself secretarial and financial departments which could both supplement and check the operations of the chancery and exchequer. The administrative centre of the household in England was now the king's wardrobe, whose secretariat was the privy seal. The wardrobe controlled the whole revenue and expenditure of the court, like the *camera denariorum* of the French monarchy. The result was a duplication of administrative machinery, which was all the more efficient since chancery and wardrobe, exchequer and chamber, constantly overlapped, each being regarded as almost equally competent within the whole administrative sphere.

This distinction between the household of the sovereign and the national offices of state is the most fundamental of the conflicting tendencies which I am attempting to emphasise in the field of fourteenth-century administration. Yet we must not overstress the contrast between them, and still less must we assume that either crown or magnates was clearly conscious of any such opposition. To both crown and barons household and state remained identical, and the household and political offices seemed but different aspects of one administration. A weak king, like Henry III., might seek to reduce the chancery and exchequer to dependence on himself as direct as was the subservience of the household staff to its master. A strong king, like Edward I., might secure a vigorous and united ministry by the combination of the household and national offices in a single whole. Edward I. certainly saw in the king's wardrobe the best school of loyal statesmanship and the department most easily expansible to meet the exceptional calls upon the resources of the state, which the over-ambitious enterprises of his later life had involved him in, obligations almost beyond his strength. He waged his wars and directed his foreign policy mainly through the agency of his household officers.

The baronial opposition to Edward I.'s later policy renewed the outcry, already begun under Henry III., against household administration. The same complaint arose from time to time all through the fourteenth century. The wardrobe was checked by the demand that all revenue should be paid into the exchequer : the privy seal of the household by the emphasis laid upon the rights of the great seal of the

chancellor. Under a feeble king, like Edward II., the opposition strove in the ordinances of 1311 to bring household and national offices equally under its control. The ordainers succeeded to a large extent in subjecting to their authority the old strongholds of household administration. But the resources of the courtiers were not yet exhausted. The king's chamber was expanded and developed, after the fashion of France, to form a self-sufficing household department, freed from baronial and official control, untrammelled by precedent, and capable of adaptation to all new emergencies. The chamber secretariat with the secret seal comes into prominence, as soon as the wardrobe and privy seal had been annexed by the barons. By the device of reserving manors to the king's chamber a new royal domain arose, outside the control of the exchequer and securing for the monarch a personal revenue and sphere of untrammelled action. Later in the reign the restored power of the crown, after the fall of the contrariants in 1322, restricted the scope of the chamber action. It was originally intended that the huge forfeitures of the "contrariant barons" should be administered by the king's chamber alone. But it was one of the first acts of Bishop Stapeldon's noteworthy treasurership that he transferred the rule of this great estate to the exchequer and so prevented the chamber from becoming a formidable rival to the exchequer. That he was permitted to do this suggests that Edward II. and the Despensers were so satisfied with their position that they were content to go back to the unitary administration of Edward I. They felt no need then to aim at emphasizing the rights of the household offices. The noteworthy reform of the exchequer itself by Stapeldon made this venerable office more competent to discharge its ever-increasing task. Consequential on the Stepeldon reforms was the reorganisation of the wardrobe and household. From this followed the splitting up of the household administration into various departments, each separately accounting at the exchequer. The result of this process was to facilitate the tendency to transfer the directive power from the household to the ancient offices of state.

It followed from all this that the later years of the reign of Edward II. was a period of great and radical administrative reform. But fourteenth-century Englishmen had no love of revolution, and clung to the fixed conception that the ancient constitution gave them all that was necessary, and that any changes to be introduced were rather in the

direction of the removal of administrative abuses than designed to change the framework of political organization. The personal aims of the radical reformers about the court were enough to discredit the changes for which they were responsible. When in the revolution of 1326 Edward II. lost his throne and his life the radical changes were violently swept away. There was partial compensation for this in the survival of the departmental reforms which ensured some measure of permanence to Stapeldon's work. But it is significant of the drift of opinion that Stapeldon, the cautious administrative reformer, lost his life at the hands of the mob as surely as the Despensers perished by the condemnation of the baronage.

The revolution of 1326 was inspired by the conservative traditions of the ordainers. It aimed at putting the state under the control of the barons rather than the courtiers. It was symbolized in the restoration of Henry of Lancaster to the earldoms of his martyred brother, Earl Thomas, and giving him, at least nominally, the highest position in the councils of the young Edward III. For the Lancastrian tradition, which had inspired the ordainers, still exercised great influence. It was not only the pretext for the revolution of 1326. The excuse for the revolution of 1330 was that the followers of Mortimer had deserted the ways of the ordainers. The king's emancipation was not, however, exclusively a Lancastrian movement. Like the revolution of 1326, it was brought about by a coalition between the old opposition and the personal followers that the young king had gathered round him. After Edward's triumph both elements had to be respected, and the policy of the next eight or ten years shows a careful balancing between the barons and the courtiers. At first the former were most to the fore. With the Earl of Lancaster as his most powerful ally, with the great administrative family of the Stratfords holding in turn the chief offices of state, the young king had every inducement to follow their conservative policy. But he seems gradually to have resented their tutelage and his real aim seems to have been to shake himself as free from it as he dared. Anyhow, it is clear, after a few years, that Edward was gradually feeling his way towards a revival of the personal policy of his father and the Despensers. The chief evidence of this is the revival of the "administrative chamber" as it had been in the days of Edward II. Again there were manors reserved to the chamber, whose business was so important that a special

seal, the griffin seal, was established for transactions relating to them. A whole hierarchy of officers, local and central, safeguarded this new jurisdiction. The chamber estates with their justices and escheators, their stewards and their auditors, formed new royal franchises, virtually outside the ordinary system that was controlled by chancery and exchequer. The receivers of the chamber became the most energetic and pushful of the king's ministers ; the secret seal, kept in the chamber, almost ousted the privy seal as the expression of the king's personal wishes. The receivers extended their claims so far that they refused to render their accounts to the exchequer. If they accounted at all, it was to the king in person, and if the king were satisfied no one else had any right to say anything. When receiver Hatfield tendered his account to the chamber, the king accepted it and caused his rolls and memoranda to be burnt that they might not again come into demand. Mandates based on this remarkable statement were sent both to the exchequer and wardrobe. If the wardrobe still meekly sent in its bills to the exchequer, the newly furbished instrument of prerogative recognized no such limitation to its authority. The same period saw a steady enhancement of the dignity and power of the keeper of the privy seal, and the promotion of more than one receiver of the chamber to this office shows that Edward again regarded it as a confidential secretariat. Under Edward II. the keeper of the privy seal had been a subordinate to the keeper of the wardrobe. Now keepers of the wardrobe received promotion when they were made keepers of the privy seal. The hierarchy of office was clearly privy seal, chamber, wardrobe. If household control were to be revived, it would be household control of a somewhat novel type.

The years which witnessed the resurrection of the chamber were filled with other administrative experiments, experiments in the adjustment of the escheatries and the staple, and in the direction of providing local justices under royal commission who were soon to assume the title of justices of the peace. In every direction there was some increase of bureaucratic control ; considerable increase in the quality and numbers of the members of the bureaucracy. Before these processes had gone very far the outbreak of war on an unprecedented scale of magnitude and duration put to the trial all the resources of the state.

A mediæval state was hardly able to carry on adequately in

periods of such peace as the chronic disorders of the times allowed. The cry that the king should "live of his own," though continually in the mouth of parliaments was never, even in peace time, practical politics. Any long continued extraordinary expenditure of money and effort was destructive to the whole machine of state. When ambition led Edward III. to attempt the conquest first of Scotland and then of France, times of trial arose which soon tested to the full his administrative system. It is a proof of the unchangeableness of the mediæval mind that Edward III. aspired to carry through costly war-like expeditions very much in the same way as his grandfather had done. If special machinery were needed for war conditions, it was to be found in the utilization and expansion of the household system on which Edward I. had relied. The recent developments of the household system thus served a useful purpose, and Edward III. was at least better prepared to face the situation than his grandfather had been. The wardrobe once again becomes important when its knights and troopers swell into the dimensions of a great corps of household troops, when its clerks turn tax-gatherers, negotiators of loans and treaties, paymasters of soldiers, sailors, and foreign allies, keepers of army and navy lists and the rest. The king's household servants were regarded as competent to discharge any odd job that had to be done. The chamber was easily expansible in a similar fashion ; its operations were secret, untrammelled by precedent and entirely under royal direction. The great wardrobe was already a storage and army clothing department whence the armies in the field, whether at home or overseas, could be supplied. There had also arisen a new localized branch of the wardrobe system in the king's privy wardrobe of the Tower of London ; which was now to be of the utmost value as a place for the manufacture, assemblement, storage and distribution of all manner of arms and artillery. It was now becoming an independent office, but it only gradually rose to that position, and was in its earlier history an offshoot, partly of the great wardrobe and partly of the chamber. How important these offices were in the first years of the war is to be seen from the fact that we derive from the records of the great and privy wardrobes and the chamber the earliest information that we have as to the beginnings of firearms and gunpowder.

In 1338 Edward III. betook himself to the Netherlands and remained abroad, with one short interval, until the latter part of 1340,

His plan to carry on the war while providing for the government of England in his absence was to divide his administration into two sections, one of which followed him abroad, and so far as practicable, attended him on his wanderings, while the other remained at home, charged not only with the daily administration, but with the raising of men and money for the war. The chancery, almost entirely, and the exchequer altogether stayed at home, and the chancellor and treasurer formed the heads of the council of regency, which ruled in the name of the little Duke of Cornwall. The privy seal and its office, enforced by a few chancery clerks, attended the king with its keeper, Kilsby. Kilsby, the most daring and enterprising of Edward's ministers, had, as receiver of the chamber, already done great things in the financial preparations for the war. But with Kilsby went the great seal, so that the king might upon occasion issue solemn as well as current letters, and the officer thus doubly empowered was so much the king's chancellor for practical purposes, that Kilsby is himself actually described as chancellor in documents issued in the Netherlands. The whole wardrobe went with the king: the great wardrobe moved from London to Antwerp, and the chamber, though divided, like the chancery, sent its best men abroad. The heads of all these offices formed, with the military magnates in the field, the king's council beyond sea, on whose advice the king was to rely just as the regent was guided by the council in London. It was a well thought-out scheme of division, and on the face of things there is no reason why it should not have worked.

There were fundamental difficulties which soon wrecked this plan of a dual ministry. Edward naturally expected to have the last word, and on the eve of his departure drafted the ordinance of Walton, a law whose importance has not been properly recognized, though it has been accessible in print for nearly two hundred years in Rymer's *Fœdera*. The Walton ordinance laid down that the chancery and exchequer at home should be strictly controlled by the king and his ministers abroad, and put this ultimate control under the direction of the king's chamber and privy seal. The special significance of the ordinance of Walton is in this frank exposition of a curialist policy, for the first time since the heyday of the Despensers. Now the ministry with the king was substantially the ministry of the courtiers, the household servants, whose one principle was to carry out the king's pleasure,

along with those barons, who, whatever their general line of policy might be, were so intent on the successful prosecution of the war, that they threw in their lot with the king's household servants. Contrariwise the ministry in England was controlled by the experienced officials brought up in the baronial traditions of the house of Lancaster. Naturally friction at once set up between two such different bodies. Edward had rushed abroad in such a hurry that he had not waited to levy the extraordinary taxes and the grants of wool which had been voted him for his enterprise. The ministry at home, mainly under the direction of the Stratfords, showed remissness in providing the king with funds, so that Edward could not satisfy the insatiable demands of his allies, and still less lead his own forces on an invasion of France. The king was thus reduced to helplessness, and was soon compelled to abandon the Walton policy. He made Stratford president of the Council, and gave him a free hand in ruling England. A liberal grant was made in return for these concessions, but the supplies were to be raised by special receivers out of all relation to the ordinary administration. But Edward's surrender was not sweetened by obtaining the support for which he had sacrificed everything. Compelled at last to abandon the campaign in despair, the king rushed over to England in November, 1340, intent at all costs on wreaking revenge on the traitors.

A contemporary chronicler, Robert of Avesbury, shrewdly describes the contest which followed as one between the king's *secretarii*, or confidants, and the ministers serving in the great offices of state. It was a plan, cleverly organized by William Kilsby, to transfer to the household followers of the crown the control of the public administration. It was within Edward's power to dismiss the ministers, and mete out imprisonment and penalties to the most guilty. The cry was raised that clerks who could not be tried in the king's courts were unworthy to be king's ministers, and a lay chancellor and treasurer were put into office. But Archbishop Stratford took sanctuary in his cathedral at Canterbury, and posed as a martyr in political sermons wherein he shrewdly combined the cause of the church with the cause of the constitution. The headstrong violence of the courtiers overshot the mark. When parliament met at Easter prelates, barons and commons rallied to the archbishop's cause. Edward had refused to summon the archbishop to parliament. An earl of ancient family expostulated indignantly with him. "Sir king," he cried, "how goes

this parliament? Parliaments were not wont to be like this. For here those who should be foremost are shut out, while men of lowly rank take their places." Thereupon the courtiers, with Kilsby at their head, quietly got up and abandoned their seats without saying a word. In this silent renunciation the courtiers abandoned the struggle. The archbishop came back; the "hereditary peerage" came into being as the solidest protection of the nation against prerogative; household administration had tried its best and failed.

The victorious parliament imposed hard terms on the king, terms so hard that he plucked up courage to refuse the most galling. As soon as the lords and commons had gone home he solemnly revoked his chief concessions, declaring that he had dissembled in order to obtain supplies for carrying on the national war. Two years later, another parliament condoned the king's arbitrary action by repealing the laws he had refused to carry out. For several years Edward's lay ministers continued in office, but their doings were in no way different from those of their clerical predecessors, and by 1345 the old system was fully restored. Thus the great crisis worked itself out. Its history remains of unique value to us because it emphasizes the contrast between household and public administration as nothing else does. It is in fact the one occasion on which there was a clear cut conflict between the two bodies. We have seen that it ended without a decided victory to either side. The stolid conservatism of fourteenth-century England frustrated in turn both the attempts of the king to ride roughshod over the constitution and the efforts of the magnates to set up a premature Whig oligarchy to which the king was to stand in the position of a doge. Neither undiluted household administration nor thoroughgoing baronial control were found in practice to be possible. The monarchy and the baronage had to live on side by side. The household officers became more conservative and prudent; the ministers of state took up an attitude hardly distinguishable from theirs. Edward realized that if he wanted to fight the French he had to keep the fighting and wealth-producing classes on his side. As a result the "double cabinet" passes out of mind, and some sort of unity of administration under the national king was restored.

The cessation of domestic conflict is well illustrated by the long tenure of power of bishop Edington of Winchester. First brought into prominence as the receiver of the ninth of 1340, Edington worked

his way through the king's wardrobe to the offices of treasurer and chancellor in succession. He remained a prominent officer of the crown continuously from 1340 to 1362, when increasing infirmities forbade his further continuance in power. He foreshadows the late mediæval type of political ecclesiastic which was later illustrated by his successors in the see of Winchester, Wykeham, Beaufort and Waynflete. For us he is especially important as indicating the gradual breaking down of the line that had at one time differentiated ministers of state and ministers of the court. Promotion from the household to the political offices had always been frequent; but it now became more than ever a matter of course, and the change of status had little effect on the policy of the promoted official. Happy results generally followed from the increasing unity of purpose among the servants of the crown. From our special point of view, it becomes increasingly easy to isolate administration from politics and study it by itself.

It was during Edington's long treasureship that a great blow was given to the system of household administration which was embodied in the revived chamber of the early thirties. This organization had acquired increased usefulness from the war, and an accession to its revenues from the proposed transference to it of the custody of the alien priories. But just as in 1322 with the contrariants lands, so with the alien priories in 1337, the original intention was never fully carried out. After the failure of prerogative in 1341, the chamber ceased to have much expansive power, though the reservation to it of lands continued until about the end of 1355. There is no evidence that there were any complaints against the system on the part of the public; but there is a continuous record of the hostility of the exchequer to its official rival. It may well be believed that the chamber had not fulfilled the hopes of its founders, that it was expensive to work, that it added little to the king's personal control of affairs, that it intensified departmental rivalry, and that it was simply an additional complication in an already somewhat elaborate and overlapping machinery. The appropriation to special collectors of war revenue had prevented it ever exercising a very wide activity, and the heightening of parliamentary control had rendered it comparatively useless. But the clear point is that, in 1356, as in 1322 and 1327, the chamber's worst enemy was the exchequer and that it was when a specially strong treasurer was in office that the *coup de grace* was given. This was contained in a

writ of 21 Jan., 1356, in which the king instructed treasurer Edington and his subordinates that all lands, tenements and other things previously reserved to the king's chamber should be reunited to the king's exchequer. The stewards and auditors of the chamber met this writ with prompt obedience, and all that they had now to do was to straighten out their accounts with the exchequer and disappear from history. With the chamber of lands went the griffin seal. All that remained of the chamber was the chamberlain's department of the household, subsidized by exchequer grants, devoted to the private and personal wants of the crown. The administrative chamber was so dead that even Richard II. never thought to revive it.

The expansion of the household for war purposes had not proved a great success. The parliamentary control over war expenditure tended in the long run to restrict the wardrobe of the household and also the great and privy wardrobes. A united administration was better for war purposes than a divided one, and there was no loss of efficiency in this restriction of household government and the restoration of chancery and exchequer to their old predominance. Yet the capacity of the household system to send out fresh offshoots was not yet exhausted. The griffin seal had disappeared but the secret seal of the chamber, kept in the custody of a chamber clerk, still remained available. It was wanted the more since in the latter days of Edward III. the privy seal had become absolutely officialized. It was already entirely gone "out of court," so that its officers received their pay from the exchequer and not from the wardrobe. Its head was well able to give independent advice to the king as was the chancellor or the treasurer. Accordingly, the future of household administration is now bound up with the secret seal. This stamp, after a period of diversified experiments, becomes permanently known as the king's *signet*. A new secretarial department arose out of the court for its custody, and an office of the signet with a staff of clerks was slowly evolved. The chief of these officers becomes gradually known as the *king's secretary*. Thus the word secretary, hitherto vaguely used in the sense of confidant, acquires for the first time an official sense. There are faint suggestions of this in the latter years of Edward III., and all through Richard II.'s reign the succession of the king's secretaries can be traced. In origin the private secretary of the king, the drafter, sealer and custodian of the monarch's private correspondence,

the secretary was soon to follow the course that had already been followed by the chancellor and keeper of the privy seal. He was to grow into the position of a secretary of state, a public minister. From the king's secretaryship arose in modern times the chief departmental ministries. With curious conservatism, the secretaries still keep the title which they first received when they were the king's private clerks. The seals of office, which they receive and resign on entering on and abandoning their posts, still represent the signets which the secretaries of Richard II. once kept for their master.

However much we may stress the future importance of the secretariat, we must recognize that soon after the middle of the century the antagonism of the rival ministries of household and state had for most purposes disappeared. The conditions which had emphasized such rivalry in 1340-41, and earlier at the chief turning points of the reign of Edward II. had now ceased to exist. This antagonism was based not only upon the eternal conflict between the court and the baronage, but on the circumstance of the ministries of state representing the baronial policy rather than that of the king. After the collapse of high prerogative in the early forties, the conflict of court and baronage had almost ceased to exist. Edward I. had bullied and coerced the magnates; Edward II. had kept aloof from them and given all his confidence to his favourites and household servants. All through his reign, Edward III. lived with his great nobles on friendly and cordial terms. They shared the same social life and were possessed by similar ambitions. The gracious geniality which was one of Edward III.'s strongest points attracted the nobles to his person and the easy-going opportunism, which sacrificed far policy to the interests of the moment, made it a simple thing for Edward to lavish on his nobles privileges and immunities which conciliated them for the time though it furnished their successors with weapons that made it possible for their descendants to challenge the authority of Edward's weak successors. Above all, the king and nobles had a common cause in the conduct of the great war against France. They were alike eager for military glory, for foreign conquest and the material spoils of war. To Edward the war was so much the primary object of his thoughts that he cheerfully bartered away his authority not only to the aristocracy but to the commons whose control of additional taxation made them to an increasing extent the ultimate arbiters of national policy. Under such

conditions it is hard to trace any clear continuance of the ancient struggle between court and magnates as had so long been conspicuous in early times. As a result of this the "two ministries" became blended in a harmonious whole. Any pressure of royal or baronial influence on the official class was applied equally to the ministers of the household and the ministers of state. The very distinction between those groups lost its meaning.

So long as Edward III. continued strong and active these conditions continued to prevail. Even after 1360, when the treaties of Bretigny and Calais put an end for the time to the French war, there was still little symptom of the renewal of strife between crown and aristocracy. For one thing the peace was always nominal rather than real, and there was plenty of fighting in Brittany, in Normandy and in Spain to afford occupation for a martial royal house and an equally militant baronage. For another the formal peace was of short duration and in 1369 war broke out again. But by this time Edward III. had lost the extraordinary vitality of his youth and prime. Broken in health, infirm of purpose, absorbed in personal pleasures and incurious of the details of administration, the king had no longer the spirit to fight the barons, even if he had the wish to do so. A strong king, like Edward I., or a king with strong and bold advisers, like Edward II. in the days of the Despensers, or Edward III. in the days of Kilsby, was the essential element for such a conflict. With the decline of the physical energy of Edward III. we enter into a period of weak monarchy which outlasted the fourteenth century. With weak monarchy came the revival of aristocratic faction, and the chief political conflict for the rest of our period is the struggle of rival baronial parties. Only at certain periods of the reign of Richard II. was there any definite issue between the crown and the aristocracy.

On two occasions in the later part of Edward III.'s reign there is a suggestion that the conditions of 1340-41 were being renewed. These occasions were in 1371 and 1376. In the former year the barons and commons successfully petitioned the king to surpersede by laymen the clerical holders of the offices of chancellor, treasurer and keeper of the privy seal, as well as of other great offices. But the analogy between the two situations is very incomplete. The anti-clerical movement of 1371 was not, I believe, more than in appearance anti-clerical, and it made on distinction between the household and the official posts.

Moreover, the commons in 1371 made no attack on the crown and no distinction between the ministers of the household and the ministers of state. They repudiated any attempt to nominate ministers, being content to indicate to the king the type of minister which they preferred. Indeed it is probable that the king himself secretly sympathized with the parliamentary critics of his ministers. Even the anti-clerical cry was but a mask for the real issue, which was, I venture to think, the conduct of the war. In fact it was in essentials an effort of a warlike coterie of nobles to remove ministers suspected of not throwing their whole strength into the vigorous prosecution of the war. Beyond this no general administrative question was involved.

Five years later came the last crisis of the reign—the crisis that attended the session of the Good Parliament of 1376. Here important constitutional issues were raised, and the representatives of the Commons made their influence felt as it had never been felt before. Yet even in 1376 parliament had few proposals of a revolutionary character as regards the administration. Again it refused to nominate ministers and if it ultimately insisted on the appointment of a standing council, its object was to help the dying king by saving him from dishonest advisers and securing purity of administration. It left the chief ministers as it found them and was content with punishing individual offenders. It is true that the chief of these, Lord Latimer, was chamberlain and worked through agents closely connected with the chamber. But there is little evidence that there was any attempt to revive the chamber as such and thus restore direct household government. The king had become a negligible factor and John of Gaunt was only feeling his way to a policy of his own. There is even less suggestion than in 1371 of the old contrast between the two administrations. What was really important was the revival of aristocratic factions that resulted from the incompetence of the king. It was only after parliament ended that John of Gaunt closely identified himself with the scandalous camarilla of which Latimer was the chief. Undoubtedly John undid the work of the Good Parliament in the summer and autumn of 1376, and undoubtedly he used as his instrument a revived court party that might well have chosen to act through household channels. Yet his first and only success was in attuning the parliament of 1377 to his will. But John's triumph was short-lived and before the old king's death a revival of the aristocratic-clerical opposition, strongly supported by the

Londoners. Before the old king died the Duke of Lancaster had lost his paramount position in politics. A court leader was no true successor to the martyred Earl Thomas.

The reign of Richard II. is from our special point of view simply a continuation of the later years of Edward III. The minority of a boy king was even more favourable to the development of antagonistic factions among the magnates than the senility of his grandfather. This struggle of aristocratic factions is the chief domestic trouble for the rest of the fourteenth century. It is, however, diversified by a distinct revival of household administration as the king grew older, a movement illustrated by the growth of the secretariat and the increased use of the king's signet. It was, however, effectively checked by the Lords Appellant and it was only in 1397, when Richard made his bold attempt at despotism that the conditions of 1341 were renewed. But a more complete triumph than Edward III. had ever obtained was followed within three years by the deposition of the autocrat. From the Lancastrian revolution arose a permanent baronial control over administration that rendered futile any attempt to set up an interior royal cabinet of confidants against the accredited ministers of state. Household administration, though it had failed as a general control, remained useful in a limited sphere and was still the source of new administrative experiments. The one strong Lancastrian king, Henry V., waged war in France through his household machinery much as Edward III. had done in his earlier years. When, nearly two generations later, Edward IV. and the early Tudors once more restored the monarchy on a solid basis, they exercised much of their power through a revival of household administration.

It is more than time to abandon this attempt to trace chronologically the struggle of the conflicting tendencies of offices of the household and the offices of state during the later fourteenth century. It has, however, incidentally brought out some other analogous lines of contrast and comparison with which we may now proceed briefly to deal. One has already been touched upon, the conflict of lay and clerical ministries. This is apparent in 1340-41 and in 1371, and to some extent all through the reign of Richard II. But it is easy to make too much of it, as I suspect both Stubbs and Maitland did. Kilsby, who raised the cry in 1340, was a cleric who was striving hard to be an archbishop, and there was an element of insincerity in an agitation so equi-

vocally represented. In 1371 the anti-clerical cry was but a pretex for getting rid of experienced ministers who had shown some lack of energy in the conduct of the renewed French War. In either case the courtiers did not object to clerks because of their clergy; their only complaint was that the immunity of the clergy from the civil courts made it very difficult for the king to execute, imprison or deprive of his property anyone enjoying the privileges of the clerical order. There was never any objection to the lower staffs of the government offices being reserved to clerks. Both after 1340 and after 1371 lay chancellors ran their offices through an exclusively clerical staff of clerks of the chancery. Similarly the lay keeper of the privy seal, after 1371, had to work through a purely clerical staff of subordinates. The exchequer, and the exchequer only, remained up to the end of the century the office on which laymen and clergy met together on equal terms. But by that period we have laymen gradually coming into their own. Nevertheless, the government of England remained largely, we may say mainly, in clerical hands until the Reformation.

We must not be over anxious to see a sort of incipient anti-clericalism in this laicising movement. It is rather due to the spread of education in lay society. By the fourteenth century there had grown up at least two types of lay education that owed nothing to the clerical universities. There was the education of the court which could produce a lay man of the wide cultivation of a Geoffrey Chaucer, himself a representative of the lay official type. Above all these was the growth of schools of the common law in London, which resulted from the demand for a practical training in the common law of the realm, as administered in the courts, for which the universities, which only recognized civil and canon law, made no provision. The result was that, while under Edward I. a large proportion of common lawyers were ecclesiastics, the clerical common lawyer and the clerical judge became almost obsolete in the course of the reign of Edward III. When the commons of 1371 petitioned that the clerk of the privy seal should be a layman, they were officially giving the wider significance to the term clerk with which we moderns are more familiar. In fact a clerk not in holy orders had only one great privilege, the enjoyment of "benefit of clergy," and that immunity the educated layman was henceforth to share with him. The conflict of layman and clerk was much more in evidence in the still abiding antagonism of church and state than in

the struggle between the lay and clerical servants of the state for office and emoluments. Nobody now believes that Philip the Fair laid low the power of the papacy when he hounded Boniface VIII. to his death and, in effect, transferred the Roman court from Italy to Avignon where it soon became largely officered by Frenchmen. Never was the Roman court more active than during this period, and all over Christendom the clerically trained lawyer of the universities found both a legal and an administrative career in every bishopric and archdeaconry as well as in the service of the state. The modern historian has made much of the mediæval conflicts between church and state : but it is possible to overstress them. The ecclesiastical and lay jurisdictions were not engaged in perpetual struggles with each other. Such disputes were the exception rather than the rule. A broad survey suggests that normally the two powers worked together with a fair amount of harmony in the common task of governing an unruly and rebellious generation. In this general acceptance by each side of its rival's position we see the explanation of the paradox that the Avignon papacy, though bending to some extent before the nationalist storm in its dealings with the kings of France and of England, imposed its administrative system over all Christendom in a way that the great popes of earlier times have never aspired to do.

The development of administration meant centralisation of power under a single ruler. But the mediæval prince lived a life of perpetual wandering, and so long as he ruled his realm through his household, the central authority itinerated with the monarch. As the machine of state became more complex, it became increasingly difficult for the administrative machine to follow the court from place to place. There arose accordingly the need of a capital, of a fixed abiding place for the government offices. The natural place for this localisation of government was in the chief city of the land, and London was even more clearly the chief city of England than Paris was the chief city of France. Accordingly by the days of Henry II. the exchequer found a permanent home at Westminster, and the Great Charter by providing that the common bench should have a fixed seat, secured its normal establishment also at Westminster. But when the principal ambition of the English kings became the subjugation of Scotland, York was a more convenient centre for the offices of state than the great city of the south. From the time of Edward I. to the outbreak of the Hundred

Years War the chief departments were constantly removed to York, as, for instance, between 1333 and 1338. Their long absence plunged Westminster into dire poverty. But relief came after 1338 when the exchequer and the common bench, and with them councils and parliaments, went back to Westminster, which for the future became their permanent abode. Even the chancery, though still partly itinerant, had now its normal "place" in Westminster Hall, while its officials and records were often located on the western verge of the city. Other offices established themselves in the Tower, where the king's chamber, privy wardrobe, mint and exchanges now had their headquarters. After 1340 the great wardrobe established its permanent home within the city itself.

Another conflicting tendency was that between the local and central administrations. While the central authority was all vested in the crown, the local agents of the sovereign were everywhere hampered by seigniorial, municipal, ecclesiastical and corporate immunities. The ancient local government had largely been in the hands of the shire and hundred courts, which stood in the faintest relations to the monarchy and had become, in effect, controlled by the magnates of the district. Not only did the great franchises break up administrative unity : a widespread minor immunity such as " return of writs " forbade the direct execution of royal orders by the normal agents of the crown in a large part of the land. Worse than all, the traditional local mouthpieces of the royal will, the sheriffs, escheators, coroners, and their like, were in practice no seneschals or prefects, creatures of the central state, but local potentates more amenable to the feeling of their neighbourhood than to the wishes of their master. Moreover, the justice administered in the local courts was become old-fashioned, stiff and arbitrary.

Edward III. took full advantage of the decay of the local courts to increase the control of the central power over every part of his realm. His greatest success was in the consolidation of the office of justice of the peace. The justices of the peace were royal servants, appointed by the king's commission and empowered to do for the lower ranges of jurisdiction what the judges of assize had long done for its higher aspects. Like the sheriffs, they were not meant to represent local interests but the interests of the crown. The original commissions were issued to a strictly limited number of persons, appointed to act in a particular shire. In most instances the commission was headed by a

magnate of the shire and a few carefully selected colleagues, chosen for their experience, substance, and legal knowledge. In short, the original justices of the peace were neither the numerous, the unskilled, nor the unpaid justices that more recent history is familiar with. Nor were their functions purely judicial but included from the beginning an administrative element, so that the justices of a shire in their quarter sessions were gradually to replace the old shire moot as the administrative authority of the county. Another organisation of the same type arose in the commissions appointed under the statute of labourers to carry out the order that wages and prices should both be maintained at the level at which they had been before the Black Death of 1348-1349. It is often said that mediæval laws were recognitions of an ideal rather than enactments designed to be executed. But the fact that an American scholar can set forth in a large volume the detailed efforts made within the first decade after its enactment to carry out the statute of labourers shows that no effort was spared in this case to make the law effective. After 1359 the commissions of the peace and of labourers were combined in the same hands, so that the resultant authority had very full administrative powers.

Nor were these the only measures to strengthen the local execution of the law. The vexed problem of the correct sphere of the escheators' functions was settled in the early forties by making the escheatorship coterminous with the sheriffdom. Other encroachments on local freedom—especially in the economic sphere—were illustrated by the growth of the staple system. Repeated experience had shown that a single staple abroad secured an undesirable monopoly for the foreigner, while unlimited freedom of export imposed obstacles in the way of collecting the king's customs revenue which were unthinkable in a period of constant war. A final settlement so far as England was concerned was effected in 1353 when the Ordinance of the Staple set up ten privileged towns in England and others in Wales and Ireland, whence alone export of staple commodities could be made. From that year a staple corporation, nominated by the crown, watched over the market at each staple town and provided machinery for controlling commerce, raising revenue and attracting the specie of the foreigners who came to buy English wool or tin.

Thus from several points of view, the crown accroached to itself jurisdiction over the local authorities. But in the long run its gain

appeared much less than might have been expected. It is true that the crown succeeded in defeating the popular demand for the election of sheriffs in the shire courts, and that the commons' demand that justices of the peace should be appointed in parliament by the representatives of the shires concerned was never accepted. But indirectly the local landlords became the agents of the royal authority. The sheriffs, appointed annually, became typical local gentry: the royal justices of the peace became in fact the organs of local landed opinion; the staple organization became absorbed by the municipalities and strengthened the already great advances otherwise made by the towns towards local autonomy. If there were from one point of view a strong tendency towards monarchical centralization, the necessity of the crown acting through agents, whose interests were more local than national, wrested from the king most of the fruits of his new efforts. There was a central bureaucracy, but not a local one. Receiving the king's commission, and transacting the king's business when not employed on his own affairs, did not deflect the local agent of the crown from remaining mainly mindful of the local point of view. The local corporation or magnate who received the king's mandate to act for him soon regarded it as a matter of indifference that his authority was based upon a royal commission. The king might give, but he could seldom take away a gift once given. The hard conditions of the times forced upon Edward III. to undo with one hand what he was fastening up with the other. The constant exigencies of war and finance, and a certain rashness and irresponsibility of temper forced him in practice to adopt a shallow opportunism which prevents us claiming for him other general policy than an intelligent pursuit of his own personal interests.

It follows that we have to consider another of the conflicting administrative tendencies of the time. Parallel with the movement towards strengthening the central state, there was a long series of grants of concessions and franchises to the magnates that sometimes rivalled the concessions to the aristocracy made by the early Valois kings of France. Early in the reign Archbishop Stratford had suggested to the king the subtle policy of conciliating the magnates by extraordinary grants. Though Edward afterwards reproached Stratford for this traitorous advice, he did not fail to carry it out. New sheriffdoms for life or fee were made until the commons' complaints stopped the practice.

But the ranks of the higher aristocracy were steadily depleted by death and the union of the hitherto distinct families, and the result was to increase the individual influence of the chief survivors. The union of the houses of Fitzalans and Warenne is a case in point. The immense power that was gradually bestowed on the house of Lancaster is a still more conspicuous instance of the same tendency. At last in 1351, Henry, Earl of Lancaster, was created Duke of Lancaster for life, and his newly made duchy became permanent when his daughter brought it as her wedding portion to Edward III.'s favourite son, John of Gaunt. In 1376 the duchy was fully equipped as a palatine jurisdiction, with a chancellor and justices of its own, and with all other royal rights "as truly as the Earl of Chester is known to have them in Cheshire." From that time the lands of the Duke of Lancaster become as much an exception to the ordinary law as the lands of the heir apparent in Cheshire, Cornwall and Wales. Such grants were not to be excused by their limitation to the king's near kinsmen, for the earlier history of the house of Lancaster had shown that the king's closest relatives were the natural leaders of the opposition. The policy was the more fatal since every great territorial magnate was now striving to bind together his scattered estates under a single administrative system, through which he hoped to do for them what the king was trying to do for the kingdom at large. For the moment such a concentration of power might make it easier for the Black Prince or the Duke of Lancaster to raise armies to fight the French and to finance them to some extent from their own resources. The whole history of the fifteenth century shows that the ultimate result of the policy was a growth of faction and a weakness of the central power that reduced the fifteenth century monarchy to a level that prevented it maintaining order and peace in a land split up by rival aristocratic feuds. When, in earlier times, the barons had combined against the king, in later years they made rival claims to the crown a pretext for fighting each other.

The organization of the domains of the Black Prince and of the dukes of Lancaster have not yet been studied with sufficient thoroughness to make it safe to form facile generalizations about them. But it is interesting to note how their methods were parallel to those of the crown, and how they aspired to have a single organization, centring in some cases in London, rather than to establish themselves firmly in

some one district and strive to shut it off from the realm. There was the Prince of Wales' wardrobe in London, and the Duke of Lancaster's wardrobe in the Savoy Palace in the Strand, a palace which excited the wonder of contemporaries who declared that there was nothing else like it in England. Such things are significant of the attraction which was centralizing even the aristocracy in London rather than in their country castles. But the chief examples of aristocratic centralization were those of members of the royal family, and such estates were eminently liable to be absorbed in the crown. This was the case with the duchy of Lancaster when John of Gaunt's son became King Henry IV. This was the case even with non-royal agglomerations, when the estates of ancient houses were acquired by marriage for younger sons of the royal house. Thus, Henry of Bolingbroke and Thomas of Woodstock divided the lands of the Bohuns, and the transmission of the enormous Mortimer estates in Wales and its March to the male line of the most impecunious of the sons of Edward III. made it possible for the house of York to dethrone the house of Lancaster. Thus we have more than a suggestion of a British counterpart of the "regional nationalities" which in France and the Empire were borrowing the methods of monarchical centralization to deprive the monarchy of its power. At least we have in our island a more perfect instance of this tendency than even Brittany or Flanders. Scotland attained within a generation the independence which Brittany lost and which Flanders only won slowly and imperfectly.

Such were the conflicting tendencies manifested in the history of administration in fourteenth-century England. Household offices and national offices of state, lay and clerical administration, central concentration under the crown supplemented by local centralization in a fixed capital, the subjection of feudal franchises to the central authority and the constant creation of new immunities that broke up the unitary ideal of strong monarchy, the supersession of local courts responsible to the localities by officials appointed by the crown, the growth of municipal independence increasingly unrelated to the government of the districts in which the towns were imbedded, all these and many other things also may be studied side by side. Even in stating these contrasts we must not over emphasize them. Nothing works out to its logical result, and one tendency is successfully counteracted by another. The historian who would state all these things too clearly is always exposed to a

double danger. In avoiding the Scylla of hasty generalization, he is always liable to fall into the Charybdis of a mass of incoherent detail. If he states his case in too broad terms, he may well read modern ideas into mediæval conditions. If he prudently abstains from more than a statement of the detail that he knows, he is denounced for indulging in mere antiquarianism. He can only do his best to swim through a sea, where alternate currents drive him now in this direction now in another. He may perhaps console himself, if he turns from the past to the present, by reflecting that even the civilized world of to-day is beset with contradictory tendencies equally incoherent.

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