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The fifteenth century not a period of constitutional development.

622. IF the only object of Constitutional History were the investigation of the origin and powers of Parliament, the study of the subject might be suspended at the deposition of Richard II, to be resumed under the Tudors. During a great portion of the intervening period the history of England contains little else than the details of foreign wars and domestic struggles, in which parliamentary institutions play no prominent part; and, upon a superficial view, their continued existence may seem to be a result of their insignificance among the ruder expedients of arms, the more stormy and spontaneous forces of personal, political, and religious passion. Yet the parliament has a history of its own throughout the period of turmoil. It does not indeed develop any new powers, or invent any new mechanism; its special history is either a monotonous detail of formal proceedings, or a record of asserted privilege. Under the monotonous detail there is going on a process of hardening and sharpening, a second almost imperceptible stage of definition, which, when new life is infused into the mechanism, will have no small effect in determining the ways in which that new life will work. In the record of asserted privilege may be traced the flashes of a consciousness that shew the forms of national action to be no mere forms, and illustrate the continuity of a sense of earlier greatness and of an instinctive looking towards a greater destiny. And this is nearly all. The parliamentary constitution lives through the epoch, but its machinery and its functions do not much expand; the weapons which are used by the politicians of the sixteenth and seventeenth centuries are taken, with little attempt at improvement or adaptation, from the armoury of the fourteenth. The intervening age has rather conserved than multiplied them or extended their usefulness.

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Close of the Middle Ages.

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Yet the interval witnessed a series of changes in national life, mind, and character, in the relations of classes, and in the balance of political forces, far greater than the English race has gone through since the Norman conquest, greater in some respects than it has experienced since it became a consolidated, Christian nation. Of these changes the Reformation, with its attendant measures, was the greatest; but there were others which led to and resulted from the religious change. Such was that recovered strength of the monarchic principle, which, in England as on the Continent, marked the opening of a new era, and which, although in England it resulted from causes peculiar to England, from the exhaustion of all energies except those of the crown, whilst abroad it resulted from the concentration of great territorial possessions in the hands of a few great kings, seemed almost a necessary antecedent to the new conformation of European politics, and to the share which England was to take in them. Such again was the liberation of internal forces, political as well as religious, which followed the disruption of ecclesiastical unity, and which is perhaps the most important of all the phenomena which distinguish modern from medieval history. Such was the transformation of the baronage of early England into the nobility of later times, a transformation attended by changes in personal and political relations which make it more difficult to trace the identity of the peerage than the continuous life of clergy or commons. The altered position of the church, apart from Reformation influences, is another mark of a new period; the estate of the clergy, deprived of the help of the older baronage, now almost extinguished, and set in antagonism to the new nobility that is founded upon the spoils of the church, tends ever more and more to lean upon the royal power which tends ever more and more to use the church for its own ends, and to weaken the hold of the church upon the commons, whenever the interests of the commons and of the crown are seen to be in opposition. Partly parallel to these, partly resulting from them, partly also arising from a fresh impulse of its own liberated and directed by these causes, is the changed position of the commons: the third estate

Vast historical importance of the period of transition.

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Constitutional History.

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Change in
the position
of the Com-
mons.

now crushed, now flattered; now consolidated, now divided; now encouraged, now repressed; but escaping the internecine enmities that destroy the baronage, learning wisdom by their mistakes and gaining freedom when it is rid of their leadership; rising by its own growing strength from the prostration in which it has lain, with the other two estates, at the feet of the Tudors, all the stronger because it has itself only to rely upon and has springs of independence in itself, which are not in either clergy or baronage;—the estate of the commons is prepared to enter on the inheritance, towards which the two elder estates have led it on. The crisis to which these changes tend is to determine in that struggle between the crown and the commons which the last two centuries have decided.

Workings of
modern life
in the
fifteenth
century.

The causes which worked these changes begin from the opening of the sixteenth century to display themselves upon a lighter and broader stage, in more direct and evident connexion with their greater results. But they had been working long and deeply in the fifteenth century; and our task, one object of which is to trace the continuity of national life through this age of obscurity and disturbance, necessarily includes some examination into their action, into the relations of church and state, of the crown and the three estates, the balance of forces in the corporate body, and the growth in the several estates by which that balance was made to vary without breaking up the unity or destroying the identity of the whole. Having traced this working up to the time at which the new struggles of constitutional life begin, the point at which modern and medieval history seem to divide, we shall have accomplished, or done our best to accomplish, the promise of our title, and have told the origin and development of the Constitutional History of England.

Plan of the
chapter.

Parliamentary institutions during the fourteenth century are the main if not the sole subject of Constitutional History. From this point, at which parliamentary institutions seem to have, to a great extent, moulded themselves, and parliamentary ideas have ripened, we shall have to recur to our earlier plan, and endeavour to trace more generally the workings of national life

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Plan of the Chapter.

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that gave substance and reality to those forms, that lay quiet under them when they seemed to be dormant, and that fought in them when the time came for it to arise and go down to the battle.

623. The object of the present chapter will be to trace the history of internal politics in England from the accession of Henry IV to the fall of Richard III: not that the period possesses a distinct political plot corresponding with its drama of dynastic history, but that from its close begins the more prominent action of the new influences that colour later history. A more distinct political plot, a more definite constitutional period, would be found by extending the scope of the chapter to the beginning of the assumed dictatorship of Henry VIII. But to attempt that would be to trench upon the domain of later history, which must be written or read from a new standing point. The battle of Bosworth field is the last act of a long tragedy or series of tragedies, a trilogy of unequal interest and varied proportions, the unity of which lies in the struggle of the great houses for the crown. The embers of the strife are not indeed extinguished then, but they survive only in the region of personal enmities and political cruelties. The strife of York and Lancaster is then allayed; the particular forces that have roused the national energies have exhausted themselves. From that point new agencies begin to work, the origin of which we may trace, but the growth and mature action of which must be left to other hands.

The history of the three Lancastrian reigns has a double interest; it contains not only the foundation, consolidation, and destruction of a fabric of dynastic power, but parallel with it, the trial and failure of a great constitutional experiment; a premature testing of the strength of the parliamentary system. The system does not indeed break under the strain, but it bends and warps so as to show itself unequal to the burden; and, instead of arbitrating between the other forces of the time, the parliamentary constitution finds itself either superseded altogether, or reduced to the position of a mere engine which those forces can manipulate at will. The sounder and stronger elements of

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English life seem to be exhausted, and the dangerous forces avail themselves of all weapons with equal disregard to the result. It is strange that the machinery of state suffers after all so little. But it is useless to anticipate now the inferences that will repeat themselves at every stage of the story.

Good an-
guries for
the constitu-
tion at the
accession of
Henry IV.

624. Although, as we have seen, the deposition of Richard II and the accession of Henry IV were not the pure and legitimate result of a series of constitutional workings, there were many reasons for regarding the revolution of which they were a part as only slightly premature; the constitutional forces appeared ripe, although the particular occasion of their exertion was to a certain extent accidental, and to a certain extent the result of private rather than public causes¹. Richard's tyranny deserved deposition had there been no Henry to revenge a private wrong; Henry's qualifications for sovereign power were adequate, even if he had not had a great injury to avenge, and a great cause to defend. The experiment of governing England constitutionally seemed likely to be fairly tried. Henry could not, without discarding all the principles that he had ever professed, even attempt to rule as Richard II and Edward III had ruled. He had great personal advantages; if he were not spontaneously chosen by the nation, he was enthusiastically welcomed by them; he was in the closest alliance with the clergy; and of the greater baronage there was scarcely one who could not count cousinship with him. He was reputed to be rich, not only on the strength of his great inheritance, but in the possession of the treasure which Richard had amassed to his own ruin. He was a man of high reputation for all the virtues of chivalry and morality, and

¹ 'kyng Henry was admytte
Unto the crowne of Englande, that did amounte
Not for desert nor yet for any witte,
Or might of him selfe in otherwyse yet,
But only for the castigation
Of king Richardes wicked perversacion,
Of which the realme then yrked everychone
And full glad were of his deposicion,
And glad to crowne kyng Henry so anone,
With all theyr hertes and whole affeccion
For hatred more of kyng Richardes defeccion
Then for the love of kyng Henry that daye:
So chaunged then the people on hym aye.'—Hardyng, p. 409.

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Character of Henry IV.

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possessed, in his four young sons, a pledge to assure the nation that it would not soon be troubled with a question of succession, or endangered by a policy that would risk the fortunes of so noble a posterity. Yet the seeds of future difficulties were contained in every one of the advantages of Henry's position; difficulties that would increase with the growth and consolidation of his rule, grow stronger as the dynasty grew older, and in the end prove too great for both the men and the system.

The character of Henry IV has been drawn by later historians with a definiteness of outline altogether disproportioned to the details furnished by contemporaries. Like the whole period on which we are entering, the portrait has been affected by controversial views and political analogies. If the struggle between Lancaster and York obscured the lineaments of the man in the view of partisans of the fifteenth century, the questions of legitimacy, usurpation, divine right and indefeasible royalty, obscured them in the minds of later writers. There is scarcely one in the whole line of our kings of whose personality it is so difficult to get a definite idea. The impression produced by his earlier career is so inconsistent with that derived from his later life and from his conduct as king, that they seem scarcely reconcilable as parts of one life. We are tempted to think that, like other men who have taken part in great crises, or in whose life a great crisis has taken place, he underwent some deep change of character at the critical point. As Henry of Derby he is the adventurous, chivalrous crusader; prompt, energetic, laborious; the man of impulse rather than of judgment; led sometimes by his uncle Gloucester, sometimes by his father; yet independent in action, averse to bloodshed, strong in constitutional beliefs. If with Gloucester and Arundel he is an appellant in 1388, it is against the unconstitutional position of the favourites; if, against Gloucester and Arundel in 1397, he takes part with John of Gaunt and Richard, it is because he believes his old allies to have crossed the line which separates legal opposition from treason and conspiracy. On both these critical occasions he shows good faith and honest intent rather than policy or foresight. As king we find him suspicious, cold-blooded, and politic,

Position of Henry.

Difficulty of reading his character.

His character before his accession.

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His character in later life.

undecided in action, cautious and jealous in private and public relations, and, if not personally cruel, willing to sanction and profit by the cruelty of others. Throughout his career he is consistently devout, pure in life, temperate and careful to avoid offence, faithful to the church and clergy, unwavering in orthodoxy, keeping always before his eyes the design with which he began his active life, hoping to die as a crusader. Throughout his career too he is consistent in political faith: the house of Lancaster had risen by advocating constitutional principles, and on constitutional principles they governed. Henry IV ruled his kingdom with the aid of a council such as he had tried to force on Richard II, and yielded to his parliaments all the power, place, and privilege that had been claimed for them by the great houses which he represented. It is only after six years of sad experience have proved to him that he can trust none of his old friends, when one by one the men that stood by him at his coronation have fallen victims to their own treasons or to the dire necessity of his policy, that he becomes vindictive¹, suspicious, and irresolute, and tries to justify, on the plea of necessity, the cruelties at which as a younger man he would have shuddered. It may be that the disease which made his later years miserable, and which his enemies declared to be God's judgment upon him, affected both the balance of his mind and the strength of his ruling hand. That love of casuistical argument which is almost the only marked characteristic which his biographer² notes in him, may have been a sign of the morbid consciousness that he had placed himself in a false position, and conscience may have urged that it was not by honest means that

Critical period.

¹ One stage of the transition may be seen in Arundel's speech of 1407, in which he declares that Henry has never exacted the penalties of treason from any who were willing to submit and promise to be faithful; Rot. Parl. iii. 608.

² 'Novi temporibus meis litteratissimos viros, qui colloquio suo fruebantur, dixisse ipsum valde capacis fuisse ingenii et tenacis memoriae ut multum diei expenderet in quaestionibus solvendis et enodandis . . . Etsi sapiens fuerat, ad cumulum tamen sapientiae qui in Salomone fuerat non pervenit. Sufficiat posteriori saeculo scire quod vir iste in moralibus dubiis enodandis studiosus fuerit scrutator, et, quantum regale otium a turbiniibus causarum eum permisit, liberum in his semper sollicitum fuisse;' Capgr. III. Henr. pp. 108, 109. He was 'sage et imaginatif;' Wavrin, p. 108.

he had availed himself of his great opportunity. We can hardly think that he was so far in advance of his age as to believe fully in the validity of the plea on which, as the chosen of the nation, he claimed the throne. If the defiance of the Percies contains any germ of truth, he had acted with more than lawful craft when he gained their assent to his supplanting of Richard; if the French chronicle of the time is to be credited, he had not refrained from gross perjury. Neither the one nor the other is trustworthy, but both represent current beliefs. If Henry were guiltless of Richard's death in fact, he was not guiltless of being the direct cause of it, and the person who directly profited by it. Although he was a great king and the founder of a dynasty, the labour and sorrow of his task were ever more present to him than the solid success which his son was to inherit. Always in deep debt, always kept on the alert by the Scots and Welsh; wavering between two opposite lines of policy with regard to France; teased by the parliament, which interfered with his household and grudged him supplies; worried by the clergy and others, to whom he had promised more than he could fulfil; continually alarmed by attempts on his life, disappointed in his second marriage, bereft by treason of the aid of those whom he had trusted in his youth, and dreading to be supplanted by his own son; ever in danger of becoming the sport of the court factions which he had failed to extinguish or to reconcile, he seems to us a man whose life was embittered by the knowledge that he had taken on himself a task for which he was unequal, whose conscience, ill-informed as it may have been, had soured him, and who felt that the judgments of men, at least, would deal hardly with him when he was dead.

625. The forms observed at Henry's accession show that the greatness of the occasion was recognised by some at least of his advisers. The scene in Westminster Hall when he claimed the throne was no unpremeditated pageant; it was the solemn and purposed inauguration of a new dynasty. Archbishop Arundel, the astute ecclesiastic and experienced politician, although his zeal was quickened no doubt by the sense of the wrong done to himself and his brother, saw, more clearly than

Questions of conscience.

His constant difficulties and disappointments.

The accession recognised as a new era.

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Recognised
importance
of the
accession.

Henry, the true justification of his proceedings. Sir William Thirning¹, the Chief Justice of the Common Pleas, had had to use argument to prevent Henry from claiming the throne by conquest. A commission of doctors had sat to inquire what fair claim he could make as rightful heir of the kingdom. The claims of the duke of Aumâle, son of Edmund of Langley duke of York, and Richard's favourite cousin, were advanced formally that they might be set aside². No doubt the name of the young Mortimer was pronounced by some under their breath; for it was clear that the kingdom could fall to none but Henry. Popular superstition too was worth courting: the prophecy of Merlin was searched for an omen, and Henry was seen to be the 'boar of commerce'³ who after days of famine, pestilence, and desolation, 'should recall the dispersed herds to the lost pastures; whose breast should be food for the needy and his tongue should quiet the thirsty, out of whose mouth should proceed streams to moisten the dry jaws of men.' Turning to more hallowed sources of authority, Henry was found to be

¹ 'Proposuerat Henricus de Darby vindicare regnum per conqaestum, sed Guillelmus Thirning justitiarius Angliae dissuasit;' Leland, Coll. i. 188; Ann. Henr. p. 282.

² Creton, an utterly untrustworthy writer, makes the archbishop ask the parliament whether they will have the duke of York, the duke of Aumâle or his brother Richard; Archaeol. xx. 200. According to Hardyng the debate in which Henry alleged the false pedigree took place on September 21. If there were any such debate, it must have been there that the bishop of Carlisle protested against Richard's deposition; but it is more probable that the discussion on Henry's hereditary title took place in the meeting of the commission of doctors, one of whom was Adam of Usk the chronicler, who reports that it was held on that day. (Chron. ed. Thompson, p. 29.)

³ 'Superveniet aper commercii, qui dispersos greges ad amissa pascua revocabit.' Geoff. Mon. vii. § 3. Several pretended prophecies of Merlin were in vogue at the time on both sides, in one of which Henry is described as the mole who should reign after the ass; 'post asinum vero talpa ore Dei maledicta, superba, misera et turbida,' &c. See Mr. Webb's note on the subject, Archaeologia, xx. 258; Hall, Chr. p. 26. Froissart says that when he was at the court of Edward III, he heard an old knight who mentioned a prophecy contained in a book called Brut, that the descendants of the duke of Lancaster would be kings of England. He also heard a prophecy to the same purport on the day of Richard's birth. The stories, if true, tend to prove that John of Gaunt was suspected as early as that date of aspiring to the succession. (Froissart, iv. 121.) Adam of Usk has other prophecies, one by John of Bridlington, in which Henry is represented as a dog; and one taken from Merlin in which he is described as an eaglet; Chron. p. 24.